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Supreme Court, U.S.
FILED

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OFFICE OF THE CLERK

No. _____

IN THE
SUPREME COURT OF
THE UNITED STATES

OCTOBER TERM, 2000

Salvatore Moretti,
Petitioner,
vs.
United Water Resources, Inc., City of Hackensack, and State of New Jersey,
Respondents.

ON PETITION FOR WRIT OF CERTIORARI
TO THE SUPREME COURT OF NEW JERSEY

Salvatore Moretti, Pro Se
Canal Street Station
P. O. Box 1306
New York, New York 10013-0876

Vol. One of Two

172pp

EDITOR'S NOTE

THE FOLLOWING PAGES WERE POOR HARD COPY AT THE TIME OF FILMING. IF AND WHEN A BETTER COPY CAN BE OBTAINED, A NEW FICHE WILL BE ISSUED.

QUESTIONS PRESENTED FOR REVIEW

1. When the trial court [App. 3] deferred to the state tax court on the issue of over-taxation (assessments were $1,058,600)[App. 141], but that court refused to consider testimony and dismissed Moretti's complaint at a motion for summary judgment; and when the trial court deferred to an administrative court as to water consumption, which court neglected to test the water meter, did the appeal courts deny Moretti's right to a trial on the matter of administrative forfeiture, considering that Moretti was robed in a federal banking institution, Citibank, of his rental deposit of over $7,000 which was allocated to pay the water bill in dispute?

2. Given the conflicts in the case of County Sheriffs Terhune and Alpert who sold Moretti's house at 390 Park Street, for $80,000 below assessed value, which house was resold at a profit of $109,000 within two month's, (after Hackensack Police Chief Zisa jailed Moretti when he protested he could not enter 390 Park St. since the doors were sealed shut)[App. 18], and (after several arson-fires in the neighborhood, including 390 Park St.), given that Sheriff Ciccone listed Moretti's 20 unit apt. house at 391-5 Park St., for Sheriff's Sale (which building was owned free and clear since 1979), did they violate Moretti's constitutional rights since the properties in question were listed as being in a "high drug-use zone" [App. 206] by the appeal courts, and both Terhune [App. 214] and Ciccone [App. 212] resigned amid scandals relating to arson [App. 128], theft, and conspiracy to commit official corruption, while Zisa announced [App. 211] he was seeking Ciccone's position, apparently seeking additional campaign funds, given that Zisa's campaign funds originated from the lawyers for Citibank, and the lawyers filing the motions to dismiss Moretti's tax court appeals, i.e. Zisa's campaign treasurers?

3. In the matter sub judice did the defendants state and city [Resolution 260, App. 79], and water utility violate the federal Civil Asset Reform Act of 2000, as well as the state law on condemnation proceedings, N.J.Stat. Ann. 20:3-2?

4. Has N. J. acted with bias in denying plaintiff Moretti a

license to practice law, despite Moretti's graduation from law school [after his attorney, Hollis, was suspended from the practice of law [App. 184, App. 188], thereby invalidating their complaint that he does not pay his bills since he is merely a custodian at the real property in question?

LIST OF PARTIES

1. United Water Resources, Inc., a water utility, represented by John P. Wallace, Esq., 216 East Ridgewood Ave., Ridgewood, New Jersey 07450
2. The State of New Jersey, represented by the Attorney General Farmer, Office of the Attorney General, Hughes Justice Complex, 25 West Market Street, P. O. Box 080, Trenton, New Jersey 08625.
3. The City of Hackensack, represented by Richard Salkin, Esq., 50 Main Street, Hackensack, New Jersey 07601.

RELATED CASES

United States Court of Appeals for the Third Circuit, Moretti v. United Water Resources, Inc. et al., 98-5043, February 20, 1998

United States District Court, Moretti v. United Water Resources, Inc., et al., 97-1742 (JWB), November 25, 1997

United States District Court (Newark, N. J.), Moretti v. City of Hackensack, et al., 92-4206 (HAA-Harold A. Ackerman), June 21, 1993.

United States District Court, Moretti v. Dinice & Sullivan, 93-0528, JCL-Lifland), August 10, 1995.

United States Bankruptcy Court, In re Salvatore Moretti, Case No. 97-2418, July 10, 1997

New Jersey Supreme Court, In the Matter of Robert A. Hollis, 95 N.J. 253, February 3, 1984; 134 N.J. 124, October 12, 1993. [Attorney for Salvatore Moretti suspended from law practice in New Jersey by the N. J. Supreme Court).

New Jersey Tax Court, Moretti v. City of Hackensack, 8336-93,

also 1994 Docket.

Superior Court of New Jersey, Bergen County, Law Division, Moretti v. Hackensack Water Company, predecessor to United Water Resources, Inc., [Docketed Judgement from Ellen Koblitz' decision in DC-705907-92], DJ-111274-95, April 2, 1997.

Special Civil Part of the N. J. Superior Court, Bergen County, Tenancy, etc. Judge Ellen Koblitz' decisions in the cases of Moretti v. Aquanetta Fields, DC-4327-93 [tenancy]; Moretti v. Hackensack Water Co. [water utility rates and water overcharges]; Ballard v. Moretti, SC-585-93.

Moretti v. Citibank, New York Supreme Court, Kings County, 2727-96.

Listing Supplied By Citibank Attorney:

Moretti v. City of Hackensack, certif. denied, 143 N.J. 324, 670 A.2d 1065 (1996); Moretti v. Dinice, cert. denied, ___ U.S. ___, 115 S.Ct. 2580, 132 L.Ed.2d 830(1995); Moretti v. New Jersey, cert denied, ___ U.S. ___, 115 S. Ct. 1698, 131 L.Ed.2d 561 (1995); Moretti v. Red Roof Inn, cert denied, ___ U.S. ___, 115 S. Ct. 568, 130 L.Ed. 486 (1994); Moretti v. Zisa, cert denied, ___ U.S. ___ 115 S.Ct. 71, 130 L.Ed.2d26 (1994); Moretti v. Multi-Pak Corp., cert denied, 464 U.S. 988, 104 S.Ct. 475, 78 L.Ed. 2d 675 (1983), rehearing denied, 465 U. S. 1054, 104 S. Ct. 1334, 79 L.Ed.2d 729 (1984)

Superior Court of New Jersey, Bergen County, Moretti v. Hackensack Water Co., BER-L-8191-92

Fayehun v. Moretti, Special Civil Part, Bergen County, Nov. 12, 1993

Office of Administrative Law, Moretti v. Hackensack Water Co. (predecessor to United Water Resources, Inc.) PUC 07022-95

Hackensack Municipal Council, Resolution 260, in re Hackensack Water Co. and Moretti, August 17, 1992.

Moretti v. Jaime Calle, Small Claims (Bergen), SC-5820-96

Moretti v. Maria Diaz, SC-5812-96

Moretti v. Enrique Garcia/Flores, SC-5816-96

Moretti v. Carlos Morocho, SC-5809-96

Moretti v. Segundo Toalongo, SC-5822-96

Moretti v. Uvieghara, SC-5979-96
Moretti v. Raymond Veloz, SC-5810-96
Moretti v. Alberto Yunganaula, SC-5806-96

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2. Order filed January 14, 2000 affirming trial court decision. Filed by Appellate Division, A-1901-98T2, Salvatore Moretti v. United Water Resources, Inc., and City of Hackensack. App. 2

3. Order entered by the Trial Court, Superior Court, Bergen, Judge Stark, October 13, 1993. Salvatore Moretti v. United Water Resources, Inc., and City of Hackensack, BER-L-5678-97. App. 3

4. Letter Brief filed by Moretti on January 21, 1999. Filed with Appellate Div., Salvatore Moretti v. United Water Resources, Inc., and City of Hackensack, A-1901-98T2. App. 4

5. Motion for Reconsideration filed by Moretti with the Supreme Court of New Jersey, on November 30, 1999, 391-395 Park Equities, L.L.C. vs. Salvatore Moretti, Hackensack Water Co., Mayor John Zisa, State of New Jerey, Louis J. Dinice, and Henry J. Amoroso, Supreme Court No. 48,551, Chancery (Bergen) No. F-7502-98. App. 15

6. Notice by the Clerk of the New Jersey Supreme Court, dated February 17, 2000, in re 391-395 Park Equities, L.L.C. vs. Salvatore Moretti, Hackensack Water Co., Mayor John Zisa, State of New Jerey, Louis J. Dinice, and Henry J. Amoroso, Supreme Court No. 48,551. App. 20

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13. Theodore Trautwein, A.J.S.C. to Salvatore Moretti, dated March 21, 1979. The Assignment Judge Dismissed the complaint filed against Friendship House, et al., which was filed by Robert Hollis, Esq., resulting in Hollis' Disbarment by Supreme Court. App. 74

14. Brief filed by City of Hackensack with Appellate Division, A-1901-98T2, seeking to affirm trial court (Judge Stark) dismissal of the complaint. App. 75

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17. Letter to Attorney General of New Jersey by Assemblyman Charles "Ken" Zisa (who is also the Chief of Police of Hackensack) printed in the Bergen News on August 30, 2000. App. 86

18. September 8, 2000 Edition of the Record, "Zisa fails to ignite probe of Schmidt use of criminals' money; rule OK." App. 88

19. Complaint filed April 30, 1998 in Superior Court, Bergen, by Water Company, in case of United Water v. Salvatore Moretti App. 91

20. - Water Usage at Eight Comparables to Moretti's Twenty Unit Apartment House, filed with the Hackensack Municipal Court, Judge Dinice presiding. App. 93

21. Complaint filed with U. S. District Court, Salvatore Moretti v. State of New Jersey, Ellen Koblitz and Public Defenders Officeof Bergen County, Bergen County Prosecutor John Fahy, Hackensack City Prosecutor Henry Amoroso, filed December 16, 1993, Case No. 93-5577. App. 94

22. The Record, August 24, 1999, French Buyer taking over United Water Operation to Remain in N. J. After $1.8 B Sale is finalized. App. 123

23. Chase Mortgage Services vs. Salvatore Moretti and Mrs. Salvatore Moretti, his wife; The Bank of New York, N.A.; Hackensack Water Company; Mayor John Zisa; Louis J. Dinice; Timothy J. Sullivan; Ellen Koblitz, J.S.C. and State of New Jersey; and Henry Amoroso, Brief filed by Moretti with Appellate Division May 1, 1999. App. 126

24. Petition for Writ of Certiorari filed by Moretti in the case of Salvatore Moretti, Petitioner, vs. Chase Mortgage Services, Respondent, October Term, 1998. N. J. Supreme Court Docket No. 46,717, Chancery No. F-16923-97. Foreclosure and Sale of 390 Park Street, Hackensack. Filed Oct. 9, 1998. App. 162

25. The Record, Article published April 13, 1978, "City, police, neighbors back mental health center." App. 181

26. The Record, Article published April 18, 1978, "A sad, familiar story" App. 182

27. In the Matter of Robert A. Hollis, an Attorney at Law, decided February 3, 1984 by N. J. Supreme Court. App. 184

28. In the Matter of Robert A. Hollis, an Attorney at Law, decided October 12, 1993, by N. J. Supreme Court, cite as 134 N.J. 124, 631 A. 2d 545. App. 188

29. Notice of Appeal to New Jersey Supreme Court, Moretti v. United Warter Resources, Inc. et al. 49,242, App. Div. A-1901-98T2. App. 190

30. Notice by Salvatore Moretti to United States Supreme Court in re Salvatore Moretti v. United Water Resources, Inc. et al., 49,242, enclosing Innocent Owners Defense - Index to six thousand page document. App. 197

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32. Case describing the Hackensack neighborhood occupied by Moretti's apartment house, N. J. v. Kittrell, 145 N.J. 112, 678 A. 2d 209 (N.J. Supreme Court, 1996). App. 202

33. New Jersey v. Leo R. Jones, Appellate Division, November 14, 1994, 277 N.J. Super. 113, 649 A. 2d. 89. Case concerning apartment house adjacent to 390 Park Street, Hackensack, and across from 391 Park Street, Hackensack, N. J. App. 203

34. N. J. v. Leo R. Jones, N. J. Supreme Court reverses Appellate Division, December 13, 1995, 143 N.J. 4. App. 207

35. Jan. 3, 2001, The Bergen News. Beleagured sheriff Ciccone finds himself target of poem. App. 211

36. Jan. 17, 2001, The Bergen News. BC sheriff pleads guilty to misconduct, campaign irregularities. App. 212

37. Dec. 16, 2000, The Record. Terhune resigns amid scandal. App. 214

38. Sept. 7, 2000, The Press Journal, Time to impeach judges, by State Sen. Gerald Cardinale. App. 217

39. The Record, March 14, 2000. 4 suspended in Cliffside Park scandal; Theft-arson conspiracy rocks town. App. 218

40. Bergen County Prosecutor's Office, March 10 App. 221

2000 Press Release. Bergen County Grand Jury Indictment - Theft-arson conspiracy.

41. Sample of Numerous Bergen County Sheriff's Sales by Bergen County Sheriff Jack Terhune, recently resigned as Head of Trenton, State Prison. App. 223

42. August 14, 2000 Letter to the Superior Court, Bergen, et al. w.r.t. removal of fuel oil tank, re-sale of 390 Park St., Hackensack, N.J. at $109,000 profit ($165,000-$56,000) July 18, 1999 after Feb. 13, 1999 eviction of Moretti by Sheriff's Office, prohibition of police officers such as Charles "Ken" Zisa running for political office, at I.O.D. 2400, contributions of Zisa campaigns, etc. App. 225

43. N. J. Senate Meeting, Review of Forfeiture Law, Dec. 11, 1995, Terence Farley, State Sen. Kosco, etc. App. 233

44. N. J. Senate Meeting, Review of Forfeiture Law, March 14, 1996, Terence Farley, State Sen. Kosco. App. 236

45. N. J. Senate Meeting, Oct. 3, 1995. Atty. General Deborah T. Poritz, Review of State Commission of Investigation (SCI), Doe v. Poritz (Meagan's Law), 1994 Report on Marlboro Psychiatric Hospital. App. 239

46. Doe v. Poritz, Synopsis of Case 283 N.J. Super 372, 661 A. 2d 1335 (N.J.Super. L. 1995). App. 246

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48. Doe v. Poritz, 32 Cal. Western L. Rev. 331 (1996). Megan's Law. App. 250

49. N. J. Legislative Meeting, March 15, 1995, Adult Diagnostic & Treatment Center, Assemblyman Charles "Ken" Zisa. App. 254

50. The Record, Dec. 19, 2000, Assemblyman Zisa will seek Sheriff's Job. App. 258

51. Senate Judiciary Committee on Wire Tapping, May 21, 1982. Att. Gen. Kimmelman. App. 258

52. N. J. Senate Law & Public Safety, Electronic App. 271

Monitoring/Home Confinement Program administered by Dept. of Corrections. April 21, 1992. **Bergen County Sheriff Jack Terhune.**

53. N. J. Report on Electronic Surveillance, Oct. 29, 1968. Joseph Woodcock. Organized Crime & Official Corruption. Title III of the Omnibus Crime Control & Safe Streets Act of 1968, 18 U.S.C.A. § 2516(2). App. 278

54. The Record. May 13, 1981. Salvatore Moretti in running for City Council against Frank Zisa. App. 279

55. Moretti to Bergen Cty. Prosecutor & Sheriff & Superior Court w.r.t. taxation & Citybank robbery on Aug. 8, 1994. Process of Working a Forfeiture. App. 282

56. N. J. Election Law and Enforcement Commission R-1 Reports, 1997 Hackensack City Council Race. District 37 1997 Assembly Race. App. 291

PETITION FOR WRIT OF CERTIORARI

Petitioner Salvatore Moretti respectfully prays that a writ of certiorari issue to review the judgment of the Supreme Court of New Jersey in this case.

JUDGMENTS SOUGHT TO BE REVIEWED

1. Supreme Court of New Jersey, Salvatore Moretti, Plaintiff-Respondent vs. United Water Resources, Inc., City of Hackensack, and State of New Jersey, Defendants-Movants, Docket No. 49, 242, Order Granting Motion to Dismiss the Notice of Appeal, Supreme Court Order Filed October 4, 2000.
2. Superior Court of New Jersey, Appellate Division of the Superior Court, Salvatore Moretti, Plaintiff-Appellant vs. United Water Resources, Inc., City of Hackensack, and State of New Jersey, Defendants-Respondents, Docket No. A-1901-98T2, Affirmance of the Trial Court dismissal of the Complaint for the reasons stated below. Order Filed January 14, 2000.
3. Superior Court of New Jersey, Trial Court, Bergen County, Salvatore Moretti, Plaintiff vs. United Water Resources, Inc., City of Hackensack, and State of New Jersey, Defendants. Order filed October 13, 1998 dismissing the complaint for failure to state a cause of action.

JURISDICTION

Jurisdiction is sought pursuant to 28 U.S.C. Section 1257. Appeal is from the final judgment of the New Jersey Supreme Court. The N. J. Supreme Court rendered its decision on October 3, 2000 (App. 1). The Appellate Division affirmed the trial court on January 14, 2000 (App. 2). The Trial Court, the Superior Court of New Jersey, Bergen County, Judge Stark, dismissed the complaint filed by Moretti on October 13, 1998 (App. 3).

STATEMENT OF THE CASE

Petitioner Salvatore Moretti has been the record property owner of the subject real property since 1958. He attended schools in Englewood, New Jersey, for eight years, in New York City for four years, as well as in Washington, D. C. for four years. His graduation from George Washington University (major in psychology) and his law degree from New York Law School peculiarly fitted him for operation of the subject twenty unit apartment house. The buildings are located one hundred seventy feet from the railroad to the Hoboken train terminals to New York City. The train stops at Passaic Street; the buildings are located at the cross streets of Park and Passaic Streets.

The petitioner met Robert Hollis, Esq. when Hollis was running for city council (Innocent Owner's Defense, Pages 3145-3183) Hollis drafted a complaint concerning the adjacent halfway house opened by the property owner by the funeral parlor, Gutterman-Musicant, across the street. The Record newspaper discussed the complaint filed in several editorials (App. 181, 182), but despite publication of the existence of the complaint, Hollis was unable to serve the complaint as required by the New Jersey rules of court, for reasons which are still in doubt. The letter from the assignment judge of Bergen County, Theodore Trautwein, at that time (App. 74) expresses the tone of the courts toward petitioner. Hollis was a competent attorney who lived nearby and who represented Moretti at tax board hearings, at rent board hearings, at zoning board hearings, at Dept. of Transportation hearings, and before the city council. Hollis' inability to continue to represent petitioner in 1979 marks the beginning of Moretti's difficulties in the state court system. Mayor Frank Zisa conveyed the same irritation with petitioner Moretti when he threatened to have him thrown out of the city council chambers as the January 3, 1979 Record article states. It also marks the beginning of petitioner's law school attendance and Hollis' license suspension (App. 184, App.

188).

As a result of rental increases allowed by the Hackensack rent board, which were put into effect after four years of attendance at hearings, the property was upgraded and continued to be maintained in code compliance by the resident-petitioner who also maintained an office at 391-B Park Street, a second floor apartment. This condition lasted until 1987 when real estate taxes tripled from $225,000 to $792,300; along with tax increases, the excess assessment was the basis for a complaint filed with the federal district court, which was dismissed by Judge Ackerman [(92-4206 (HAA)].

Upon increasing the rents in 1978, a number of tenant move-outs occurred. The water utility was convinced that petitioner was not paying his water bill. In fact, when the rental increases was allowed, move outs lasted many months. An investigator from the water company parked across the street to view the building, suspecting that a fraud was being perpetrated on the water company by the owner of the apartment house, Park Court Apartments. The car parked there from 4 p.m. until 6 p.m. each days for several months to inspect what was going on. The Hackensack Water Company, demanded to change the water meter. Quarterly billing was read by inspectors, and the replacement of the water meter did not result in the increased readings expected. Then, the home office allowed for a special meter replacement which produced higher readings, which eventually produced the dispute subject of the within litigation.

In 1980, Park Plaza, a three story 72-unit building was constructed across the street, suggesting that this area was viable for residential living. The building rented up well and was fully occupied. The third story apartment rented by Leo R. Jones is the subject of two appellate division opinions (App. 202, App. 207). The Supreme Court opinion states that in exigent circumstances, the police can kick down the door when pursuing a suspected criminal. This litigation is of interest since this is what occurred frequently at Park Court Apartments, where steel doors were repeatedly being kicked

in (each door cost $400 to replace). This occurred in the case involving Susan Stedtler (App. 94), who resided in Apartment 397-D directly across from 391-B. Police Officer Michael Mordaga entered the apartment repeatedly to obtain a narcotics conviction of Stedtler which resulted in her being sent to Edna Mahan prison in Clinton, N. J. for five years.

The head of the public defender's office, Ellen Koblitz, represented Susan Stedtler, a single mother on S.S.I. Koblitz was made presiding judge of Special Civil (which heard landlord-tenant disputes in Bergen County). The water case was proceeding to oral argument after the presiding judge of Special Civil Part of the Superior Court, Ralph A. Polito, had denied John Wallace's motion to dismiss in January, 1993. Ellen Koblitz was transferred from being head of the pubic defenders office to presiding judge of special civil. Petitioner appeared before her on several matters in April 16, 1993, the water case, the Acquanetta Fields matter, etc. Koblitz dismissed the complaint on that date filed by Moretti and the judgment on behalf of the water company has been the subject of litigation since that time. Moretti complained that the rule against conflict of interest due to successive representation by Koblitz was the source of the error.

The water dispute also went on at the municipal level, (App. 79, App. 81). The water utility shut off water in 1992. On August 17, 1992, the city council voted in favor of Resolution 260 (App. 79) which placed liens on 391-5 Park Street, Hackensack. This and subsequent water bills resulted in the termination of water services in April, 1997, and the permanent condemnation of the buildings. Richard Carucci of the Hackensack Fire Deparment caused notices to be posted shutting down the buildings permanently as of April 1, 1997. Subsequent to the water shut off, the electric was shut off as well, and after the buildings were looted and all locked steel doors were broken into and locks removed and numerous windows broken the buildings were boarded up six months later.

Moretti filed in the Superior Court law division in April,

1997. Judge Lawrence Smith heard the water dispute matter. He witnessed the attempt by Moretti to pay the water company the disputed judgment amount in court. This disputed amount was filed by John Wallace to incorporate Judge Koblitz' judgment. When Moretti offered the money, Wallace rejected the offer (claiming there was an additional amount not yet reaching final adjudication); the court refused to accept payment into the court. When Moretti returned that day to the buildings he discovered that the tenants had already been physically removed from the buildings. Subsequent hearings before judge Lawrence Smith was unavailing.

Subsequently, Julie Ferenczi, formerly a Hungarian barber, inspected the building site and filed complaints claiming the now vacant buildings were not being maintained. The cases were heard in various courts, including that presided over by Judge Anthony Cippolone. Cippolone heard the case and fined Moretti despite Cippolone's undisclosed status as the lawyer for the Hackensack planning board. Moretti claimed conflict of interest, and the matter was transferred again to yet another municipal court. Judge Roy F. McGeady (also the judge listed in Rochelle Park, Saddle River, and in Montvale. He, in seriatim, heard a related vehicle stop case in all three courts, fining Moretti), sitting as Bergen County Vicinage Two judge, heard the case filed by Ferenczi and sentenced Moretti to jail starting January 2, 2001, due to Moretti's inability to pay a two thousand dollar fine he had imposed.

Reasons for Granting the Writ

<u>This Case is Representative of the Five Thousand Properties Condemned and Sold at Sheriff's Sales in Bergen County since 1987 by Sheriffs Terhune, Alpert, and Ciccone; It Raises Important Issues on the Constitutional Protections Afforded Citizens to Own Property, Elect Representatives, and Defend against Allegations of Criminality in the face of Election Irregularities and Political Corruption</u>.

Because Judge Stark in the Bergen County trial court dismissed the inverse condemnation case petitioner filed on a motion for summary judgment filed by the city, there is no transcript and, of course, no jury trial. However, coverage of Moretti's dispute in the newspapers reveals a great deal and relates back to January 3, 1979 when the Record (the newspaper located four blocks from the building site in Hackensack), carried a story about Mayor Frank Zisa and Moretti.[1]

1

The Record, January 3, 1979.
Tape recorder and newsletter infuriate mayor, By Douglas Glucroft.
Hackensack - Salvatore Moretti came to last night's city council meeting equipped as he usually is - with questions for the council and a cassette recorder to tape the answers.

But last night Mayor Frank Zisa had a question for Moretti. He asked him if he was responsible for the content of the Park Street Block Association Newsletter. Moretti, who is head of the association, would not answer.

The Dec. 18 edition of the newsletter said Mayor Zisa bought some property on First Street for $95,000. Zisa denied it and threatened to sue Moretti.

Moretti, who also heads a group of apartment owners, was undaunted by the mayor, and got up to ask his usual questions when the public hearing began.

But Zisa told him he would have to sit down if he didn't turn off his recorder.
Unveiled threat

"If you don't do what I tell you, **I'll have you thrown out of this room," said Zisa, as police officer Lawrence Kenny approached Moretti.**

Moretti continued to speak. Kenny got him his coat and was about to lead him out of the room. But Moretti continued to speak.

"I happen to be running this meeting. And I happen to say

The irritation of the Mayor proved to be long standing and noteworthy. This is because Frank Zisa' three sons occupied offices in the city government in 1987 when a new judge, Louis Dinice, replaced retiring Judge Jospeh Zisa. Dinice instituted numerous actions concerning petitioner's property. Dinice eventually was granted an award for attorney's fees and recused himself from subsequent trials, resulting in petitioner having to go to ten or more different towns to have his cases heard. None of these towns could exercise control over the relevant officials in the Hackensack police, fire, and health departments, resulting in failure to achieve any judicial relief.

Zisa's three sons have received newspaper coverage because of their $100,000 per year salaries, the charge of nepotism in Hackensack, and the taxpayer disputes causing so many forfeitures in the county. Charles "Ken" Zisa announced he will run for Bergen County Sheriff in order to give the forfeited wealth to the local police departments to handle major organized crime matters. [2]

I don't want that thing on!" Zisa yelled. "I'm running this meeting and you're not."

City Attorney Menelaos Toskos upheld the mayor, though admitting to Moretti there was "no statutory basis" for banning tape recorders.

Moretti finally yielded and sat down. Afterward, he had no comment on the published statement about Zisa. The newsletter also listed property supposedly purchased by other city officials and zoning variances won by city officials.

[2]The Record, June 1, 2000.
Criticism of Zisa's promotion dismissed. Manager: Mayor's brother earned job. By Paul Rogers, Staff Writer
Hackensack - City Manager James Lacava said Wednesday that the decision to promote Frank Zisa Jr. - brother of the mayor and the police chief - to deputy chief of police was his

Judge Stark's order dismissing the condemnation cases specifically notes that she relies upon the New Jersey Tax Court order upholding Hackensack's real estate tax assessment. In fact, the court never considered the assessment. The complaint filed by Moretti was dismissed without hearing because the court refused to hear the case.

The transcript of proceedings before N. J. Tax Court Docket No. 9475-95, Tax Court, Bergen County, New Jersey. June 10, 1996, before Hon. Peter D. Pizzuto, J.S.C., Tax Court, 125 State

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alone.

Lacava, who could not be reached Tuesday, when news of the appointment spread, said he decided that Zisa was the more qualified of the two captains who applied for the nearly $100,000-a-year job. At no time, he said, did Mayor John "Jack" Zisa or Police Chief Charles "Ken" Zisa try to influence the decision.

Lacava dismissed suggestions of nepotism from critics of the promotion. He said the Zisas - whose patriarch, Frank Zisa Sr., was mayor or deputy mayor of Hackensack for 16 years - just happen to be active in civic affairs...

"I don't think they represent the people," Joe Lascala of the **Hackensack Taxpayer Association** said Wednesday. "Whatever they do, it's strictly family and for their own benefit."...

In 1997, he said, Zisa earned the second-highest mark on a similar exam given to captains, two places higher than Roman.

Another factor, Lacava said was that Zisa, who heads the Police Department's Detective bureau, has more experience than Roman in handling major crimes. Roman is chief of the youth division.

As deputy chief, Zisa will receive a modest pay raise from $97,572 a year to $97,890, said Lacava. Although his base salary will rise, he will lose certain special pay for which deputy chiefs are ineligible....

St., Hackensack, N. J. show that Salvatore Moretti, appeared pro se, Donald J. Lenner, Esq., appeared as the attorney for the defendant, City of Hackensack. At page 2 et seq, the transcript reads:

> The Court (Judge Pizzuto): This property or one or more of them were here for an earlier year. And if I recall correctly there was a motion to dismiss (which) was granted, an appeal that was taken from a motion to dismiss that was granted for an earlier year...[p. 3] Why is it necessary to go all the way back to 1991? We have an appeal here for 1995...
>
> Mr. Moretti: Well, very simple. I'll state that the reason I mentioned it was because of the description of the property and the specific contentions of the parties as of that date which in many respects has not changed. At that time the assessment at $792,300 was modified to $766,000 and subsequently modified to $733,000 (below the jurisdictional limit for filing directly with the Tax Court instead of the county tax board) for [Block 418] lots 22 and 23. So the issue of falling from $792,300 to $766,000 to $733,000 was important because when the Federal Court Judge Ackerman handed down his opinion, it was predicated upon the City's position taken in the Federal District Court in Newark. [p. 4] When the assessment was $766,000,that jurisdiction lay in the Tax Court and those motions to dismiss under [Federal] Rule 12(b) were made at $766,000 and, in fact, when I drafted the papers, that was the assessment and we are, again, here having gone through the procedural system of filing of appeals as your Honor indicated under circumstances where the 3 parcels total in excess of $940,000. To surmount some of the procedural issues and to get to the point, as I stated since we have already covered the description of the parcels which includes the improved lots at Block 418, lots 22 and 23 and the

> vacant lot at lot 24 and the single family house at Block 415, Lot 8(b), I would hope to expedite matters so that we adopt the prior filings which I have delivered this year as enclosing discoverable materials which the City legitimately could request of a petitioner...over 950 pages of appended material has been submitted to the Tax Court...
> p. 11.
> Mr. Moretti: My contention is the value would be $300,000 improvements, land $50,000,

When Moretti recounted his qualifications to testify, Donald Lenner, campaign treasurer for the Zisas, was unable to dispute competency, and frequently withdrew his questions. The transcript follows at p. 33 et seq.:

> Mr. Moretti: I have experience also in construction, building operations, such as the mechanicals. As to code evaluation, I have been involved in testifying in zoning disputes on matters of factories, funeral parlors, churches, vacant land, residential land, single family houses, apartment houses, hospitals, transportation, construction practices involving fire, safety, health, parking. I have actively involved myself in the mechanicals as far as snow removal, municipal [p. 34] equipment, trucking. As to plumbing, I have over a period of 40 years supervised plumbing, done all plumbing required on an emergency basis over a period of three decades. And as to drywall construction, I have done drywall installation in at least fifty different construction jobs. I've done painting in at least fifty different construction jobs requiring at least 4000 hours of work, both interior and exterior on single family buildings, multi-family buildings, automotive, boating. Manufacturing, industrial, and retail formats... [p. 36]I have published various newsletters

which have been circulated in the northeast on housing, inflation, rent control, law reform, legal decisions, decisions by Boards of Adjustment, and rent stabilization boards throughout all communities in the state of New Jersey...I have attended universities in Washington, D.C., New York City, and New Jersey.

P. 49.

Mr. Lenner: From what colleges did you receive bachelor's degrees?

Mr. Moretti: I received a bachelor's degree from George Washington University.

Mr. Lenner: And in what field?

Mr. Moretti: That was psychology.

P. 51

Mr. Lenner: Mr. Moretti, what post-graduate courses have you taken and where were they taken?

Mr. Moretti: In New York I took courses in law.

Mr. Lenner: Where?

Mr. Moretti: New York Law School.

P. 72.

The Court: Then I shall decide at this point whether or not Mr. Moretti is qualified to be an expert witness in this case. And my conclusion is that **I should not deem Mr. Moretti to have established the requisite expertise by way of experience and qualifications** to be able to submit to the Court a credible, cogent, reasoned and persuasive opinion as to the value of property. My reasons are that although Mr. Moretti has some experience in real estate, although he has legal education and although he has managed property he has not demonstrated and although he has some familiarity with appraisal concepts and terminology he has not demonstrated that he has functioned as a real estate appraiser other than with respect to the submission of tax appeals with respect to his own properties. Moreover, **his demeanor**

during the course of the entire proceeding his morning, but in particular during the course of the voir dire...

P. 74. Certification by Karen Antero that the foregoing transcript is accurate.

Judge Stark decision from which appeal is made also recounts that "[p]laintiff asserts excessive water bills but had been previously ordered by Court to pay United Water. Plaintiff asserts that City evacuation of building which had no water supply is inverse condemnation. [p. App. 3]." In fact consider that when plaintiff appeared before the Office of Administrative law, the following order was entered on November 20, 1996:

State of New Jersey, Office of Administrative Law, Initial Decision, OAL DKT No.: PUC 07022-95. Agency No.: WC95050223U. Salvatore Moretti, Petitioner v. Hackensack Water Company, (Now known as UWR-New Jersey, Inc.), Respondent. Record Closed October 30, 1996. Decided: November 20, 1996. Before: Jeffrey A. Gerson, ALJ:

Salvatore Moretti, according to his complaint, is the owner of 391-395 Park Street, Hackensack, New Jersey. The Park Street apartment is commonly known as the "Park Court Apartments" containing 21 (sic) bedroom apartments.

The dispute in this matter involved the amount billed for water usage between October 1992 and October 1996. Hackensack Water Company (Hackensack) contends that Moretti owes $11,183.59, while Moretti contends that he surely owes less than that and as far as he is concerned he owes nothing.

Testimony

The first and only witness to testify on behalf of Hackensack was Al Defierro (sic.), a customer service supervisor assigned to collections.

He offered into evidence the bills for 391-5 Park Street covering the period from October 14, 1992 to April 26, 1996. The total due for that time period, deducting payments made by Mr. Moretti, was $6,574.19. Adding the amounts due for the last six months following April 1996, the total came to $11,183.59. Specifically, added to the $6,574.19 was a bill for $2,306.45 for the first three months after the $6,574.19 total and $2,302.95 for the final three months taking the bill to its current October 1996 balance of $11,183.59...

In short, between October 1992 and April 1996 a total of $29,556.30 was billed for water usage. Over that time period, $22,982.11 was paid. This left a balance of $6,574.19 plus the last six moths usage of $4,609.40 which leaves a balance of $11,183.59.

From the proofs presented by Hackensack, **there was only one debatable bill,** and that was the bill of October 1995 for $2071.51. That bill was debatable only because the actual bill could not be located. Despite the absence of that one bill the following bill did carry over that balance which convinces me that it was accurate.

The only other witness to testify was Mr. Moretti himself. **Mr. Moretti's testimony can at best be described as disjointed. His answers to even the simplest of questions were evasive** and appeared to me to be intentionally non-responsive. In essence, he contended that his tenants could not have possibly used as much water as was indicated by the meters but offered absolutely no explanation for how he reached this conclusion. **He made some obtuse references to law suits** that he has started against several tenants to enforce a clause in their leases requiring payment for the water usage, but was unable to articulate any reason why such law suits would decrease the amount owed to Hackensack

> Water Company. He insisted on establishing that the area where this multi-family is located is apparently deteriorating, but once again gave no indication of how that deterioration would lead to the conclusion that the water bill presented by Hackensack was not due and owing. From the testimony offered by Mr. Moretti, I can only conclude that his one and only purpose in contesting the outstanding water bill was to do his best to annoy and inconvenience the people at the Hackensack Water Company....
>
> Date: Nov. 20, 1996 (s) Jeffrey A. Gerson, ALJ

Since Moretti offered to pay United Water Koblitz'docketed judgment in full in April, 1997 when appearing before Judge Lawrence Smith, payment is not in issue. In fact, the utility refused payment because of another disputed bill which had not been finally adjudicated. Closure of the buildings was therefore premature. Also, the refusal by the court to accept payment was improper. Hence, judge Stark's reliance on this factor is also incorrect.

If we analyze judge Koblitz' judgment in this case, we can see the origin of the problem dating back to her legal representation of Moretti's tenant, Susan Stedtler. Consider also her decision with respect to Bernard Fayehun, Aquanetta Fields, and other tenants. Judge Koblitz, as head of Bergen County Public Defenders, was in criminal law and dealt with these tenants as criminal files. Moretti and Fayehun were attacked by one Osuji, preventing Fayehun from earning a living fixing cars. Koblitz ordered Moretti to rent his home to Fayehun, despite Fayehun's rent being several months in default. Koblitz as a judge in Special Civil did not have jurisdiction to grant Fayehun occupancy rights in a single family home, because the statutory law excepted single family homes. Koblitz as a criminal defense lawyer, had no knowledge of the summary dispossess statute since she had been transferred into special civil part of Superior

Court eleven months before. Judge Austin, who was made presiding judge of special civil after Koblitz was transferred to family court, ordered Beverly Freeman to vacate390 Park Street and stop gluing Moretti's doors shut; although he was not acting under the dispossess statute, the criminal component of Freeman's actions required that he act as he did. Koblitz reversed Judge Ralph Polito's decision rendered in January, 1993; this process of removing superior court judges so that a decision could be ordered which was in accord with the State was repeated in Judge Stark's case as well. Consider the way in which John Wallace conaiders the reversal of Judge Polito's previous order:

> Transcript of Motion April 16, 1993. Moretti v. Hackensack Water Co., DC-705907. Before : Hon. Ellen Koblitz, J.S.C.
> P. 3
> Mr. Wallace: Argument on this motion did go on for maybe close to an hour before Judge Polito. This motion was back in February 16 [1993]. So I was surprised it was transferred to you...
> P. 9
> Judge Koblitz: I'm going to hear this summary judgment motion this afternoon. To the extent that anybody wishes to repeat what was said before Judge Polito, please do so.
> P. 56.
> Judge Koblitz: Now Mr. Moretti indicated that he was not satisfied going before the administrative body. And that if he is dissatisfied when he gets into that forum (administrative law), there is relief. He can go to the appellate division. With regard to the bulk of his other arguments which really deal with what he believes to be the improper motivations and behavior of the Hackensack Water Company. Those are issues which really should have been brought up previously.

P. 57.

Judge Koblitz: I am going to grant the summary judgment motion for the reasons which I have indicated.

Judge Koblitz suggests above that Moretti was remiss in not having appealed to the Appellate Division of the Superior Court. It is possible Judge Koblitz was not serious in making this suggestion since she knew that Moretti had already litigated this matter thoroughly in the federal district court. The decision was rendered by Judge Harold A. Ackerman in the United States District Court, District of New Jersey, Salvatore Moretti vs. Mayor John Zisa and the Hackensack City Council; George Diana and the Hackensack Board of Adjustment; Patricia Farlie and the Hackensack Health Department; Richard Carucci and the Hackensack Fire Department; C. Morrissey and the Hackensack Police Department; Henry Amoroso - Hackensack Prosecutor; Hackensack Water Company; G. Thomas Gentile; and Gutterman-Musicant, Inc. Defendants, Civil Action No. 92-4206 (Harold A. Ackerman.). Excerpts from the extensive written opinion follows:

P. 9. Of Judge Ackerman's written opinion.

"Here, the Complaint alleges that the conduct of various local government entities and officials violate Mr. Moretti's constitutional rights and explicitly invokes 42 U.S.C. § § 1981, 1982, and 1983...Federal Rule Civil Procedure 12(b)(6) permits the dismissal of a complaint, or a count therein, for the failure to state a claim upon which relief can be granted."

P. 13 of written opinion.

C. Hackensack City Council

"Moretti attempts to allege several claims against the City Council, all of which warrant dismissal...Moretti also alleges that the Council conspired to fix the assessed value of his property in excess of its actual value, thereby depriving him of his ownership rights. This court is barred from

hearing this claim, however, for lack of subject matter jurisdiction [fn. 2. Although the factual allegations set fort in this count refer to unidentified 'defendants,' the demand for relief contained in this count names only the City Council. In either case, however, the claim must be dismissed because this court lacks subject matter jurisdiction.] The Tax Injunction Act provides that : [t]he district courts shall not enjoin, suspend or restrain the assessment, levy or collection of any tax where a plain, speedy and efficient remedy may be had in the court of such State. 28 U.S.C. § 1341. The principal purpose of the Act is to limit federal court interference with local tax matters. (Cites omitted)..."

P. 21 of written opinion.

E. Hackensack Health Department

"Moretti's claim against the Health Department arises form the fact that it issued a complaint against Moretti for failure to supply water to his tenants..."

P. 23 of written opinion.

F. Hackensack Fire Department

"Moretti's claim against the Fire Department arises from the alleged frequency of smoke and fire alarms. Moretti also alleges that members of the Fire Department broke doors in his apartment complex.

These claims must also fail. As with the Health Department, there is not allegation that the Fire Department caused any harm to Moretti either through official policy or custom.

P. 24 of written opinion.

H. Hackensack Police Department

"Moretti alleges that members of the Police Department broke doors in his apartment complex. As with Health and Fire Departments, there is no allegation that the Police Department caused any harm to Moretti either through official police or custom. Thus, the clams against the Police

Department must be dismissed.

"Moreover, as with the Health and Fire Departments, the allegation that the Police Department broke doors in Moretti's complex, in and of itself, does not rise to the level of a constitutional violation..."

P. 25 of written opinion.

J. Henry Amoroso, Hackensack Prosecutor.

"Amoroso is alleged by Moretti to be 'prosecuting a water shut-off case in which the Municipal Court is supplanting ownership of the property.' Moretti also alleges threats to confiscate rent checks and foreclosure and further alleges that [p. 26] such conduct is malicious in nature.

"Defendants argue that plaintiff's claims against Amoroso are barred by N.J.S.A. 59:3-8, which provides a judicial immunity defense..."

P. 27 of written opinion.

"Count III arises from Moretti's dissatisfaction with the Board of Adjustment's granting of a zoning variance to defendant Gentile. It is clear that mere disagreement with the Board's decision to grant Mr. Gentile application for a zoning variance does not rise to the level of a constitutional violation...

P. 29 of written opinion.

"Moretti alleges that the Water Company terminated water service on two occasions and that its water bills are inflated. The water company argues that these claims must be dismissed because its actions were not those of a state actor as required under Section 1983. I agree....

"Moreover, even assuming that the Water Company was a state actor for purposes of Section 1983 and that Moretti had a protected property interest in continued water service, he has alleged no facts supporting a due process violation. In other words, he had not alleged any facts indicating that

his water services were terminated without due process. See Paratt v. Taylor, 451 U.S. 527, 536-37 (1981) (Due Process Clause does not protect against all deprivations of property, only those deprivations "'without due process of law'") (citation omitted). Therefore, his complaint fails to state a claim against the Water Company for this reason as well.
P. 33 of written opinion

Conclusion: "For the foregoing reasons, Mr. Moretti's complaint is dismissed."

The net result was that Moretti's estate was being eroded. Judges who tried to act justly in Moretti's actions were routinely transferred out, such as Judge Polito. Orders to do so appeared to originate from the Attorney General's Office in Trenton. Letters written to Governor Whitman were of no avail. Governor Whitman appointed four attorneys-general to the N. J. Supreme Court. Consider the reported wages received by Moretti from the United States Social Security Administration. A recent notification to Moretti of eligibility for benefits after forty years of management at Park Court Apartments in Hackensack reads as follows:

1973	- 0	1981	- 1,200	1989	- 0
1974	- 0	1982	- 0	1990	- 6,122
1975	- 0	1983	- 0	1991	- 0
1976	- 0	1984	- 0	1992	- 0
1977	- 2,000	1985	- 0	1993	- 0
1978	- 5,486	1986	- 0	1994	- 0
1979	- 3,603	1987	- 0	1995	- 0
1980	- 4,808	1988	- 0	1996	- 0
				1997	- 0

As noted above, the apartment house was closed down by order of Hackensack fire official Richard Carucci. In view of Moretti's inability to operate the apartment house due to the pre-taking activities of the condemning authority, consider the manner in which the Record treats the closure in their

newspaper article at that time.

The Record, April 4, 1997. Page L-2 (Local News)
Apartments condemned over unpaid water bills
By Don Stancavish, Staff Writer
Hackensack.

"**City officials have condemned an apartment building** and evicted all its tenants after the building's owner would not pay $20,000 in overdue water bills.

"Dozens of occupants of 391-397 Park Ave. were ordered to leave their garden apartments Wednesday after landlord Salvatore Moretti refused to pay the money he owed to United Water Resources Inc.

"'The property owner at that address has had an ongoing dispute with the water company,' said city health officer John Christ. 'As a result, his water was turned off.'

"Asked to comment on Thursday, **Moretti would not** discuss the condemnation or **explain why he hadn't paid the water bill.**

"City officials did not immediately know how many residents were evicted, but tenants and neighbors said that at least 20 families rented apartments from Moretti.

"Buildings without a running supply of water are considered uninhabitable, Christ said.

"United Water officials say **Moretti has been a deadbeat customer since 1992.** 'He has basically taken every avenue to not pay his bills,' said Rich Henning, a United Water spokesman.

"On Monday, Moretti was found guilty in Hackensack Municipal Court of two charges of not providing water for a building, a violation of the city's Health Department code.

"He was fined $600 and ordered to pay $60 in court costs. He appeared at the court without an attorney, court officials said...

"Later that day, officials from the city Health Department went through the apartments, notifying tenants that the building was being condemned.

"Christ said the city had offered relocation assistance to the former tenants. Many of them are staying at the Capri Inn in Little Ferry, compliments of the city.

"'This is not something that came out of the blue,' said Christ. 'The owner of the building has had plenty of notices, summonses, and warnings from the water company.'

Any observant newspaper would have disclosed that Moretti had been held up in the Citibank August 1994 and robbed of the rental receipts, thereby preventing payment of the disputed amount. Any observant newspaper also would have revealed that Moretti had attempted to pay the disputed amount into court when appearing before Judge Lawrence Smith prior to closure on April 2, 1997. Any observant newspaper would have revealed that the selection of Julie Ferenczi, the former Hungarian barber, as a Hackensack building inspector who appeared on site from 1989 to 1997 enforcing code violations led to tenant vandalism. Any respected newspaper would have revealed that after shut down all building air conditioners were stolen within three weeks and all steel doors were broken into, resulting in over $100,000 of damage prior to the buildings being boarded up But the Record did none of this. Why?

Petitioner argues that this is because the acts complained of were part of the custom of the community. Petitioner maintains that these violations are not excepted from judicial review even when they are part of the customary acts of the community, particularly when the general welfare is imperiled by five thousand other condemnations in the county, and by

the conflicts of interest clearly revealed in this petition and in the appendix attached hereto. Consider the wording of the Record article descriptive of the Charles "Ken" Zisa's running for political office. Dismissals of court cases are not unusual when judges are selected to hear matters by the assignment judge who is influenced by factors within the state political system. The May 31, 2000 Record article Youngest of 3 Zisa brothers promoted, by Paul Rogers, reads as follows: "Hackensack appointed Frank Zisa Jr. as its **deputy police chief** late last week, adding another chapter to the family's historic dominance of the city's public affairs. Zisa, a 17-year Police Department veteran and one of either captains on the force, is the **brother of the police chief and the mayor. The father of the three brothers, Frank Zisa Sr., now retired** from government, was mayor or deputy mayor of Hackensack from 1969 to 1985. The promotion of the youngest Zisa brother, which went into effect Saturday and is subject to final civil service approval, comes five years after **controversy surrounded the city's appointment of Charles "Ken" Zisa as police chief. John "Jack" Zisa was mayor at the time - and still is.** Critics of the latest promotion of a Zisa family member raised some of the same concerns about **nepotism** on Tuesday . . . ' It's like they're trying to control everything in the town,' [John] Smith [who was on the city council in 1980] added. . . One critic was Hosanna Azar, head of the Hackensack Taxpayers Association. '**Nepotism runs rampant in Hackensack,**' she said. 'I have no doubt it's **favoritism.**' . . . In May 1995, after Ken Zisa was named acting chief, a competitor for the position, Capt. Anthony "Chic" Leggieri, filed a lawsuit asserting that the promotion was based on nepotism instead of experience and merit. Seven months later, **a judge dismissed the case,** and the city named Zisa its permanent chief."

The dismissal of the 1995 case did not take into account the fact that the Zisa ticket ran unopposed for city council in 1997, despite Hackensack being a political town where contrary

views abound? The economic conflicts are clear. Charles "Ken" Zisa announced in January, 2001, he wants to be the Sheriff of Bergen County. As sheriff he would have at his disposal security in the court house, security in the newly expanded jail, and would operate the forfeiture unit of the sheriff's department as well as serve all summons and complaints in the county. Everyone in the county knows this, but frequently judges are assigned to cases who have never been in the county, and have not voted in the county.

Consider that when Charles "Ken" Zisa ran for Chief of Police the following article appeared in the Record, Nov. 3, 1995. Weinberg in the 37th. The Other Endorsement Withheld Reluctantly. Editorial.

> "Loretta Weinberg is a hard-working, productive member of the Legislative who deserves reelection....
>
> Her running mate, Assemblyman Charles "Ken" Zisa, 41, is also well-qualified. His experience in police work in Hackensack gives him a valuable perspective on **criminal justice issues.** The Record would like to endorse Mr. Zisa. Regrettably, we cannot. We are not withholding our endorsement because Mr. Zisa holds two public offices, assemblyman and Hackensack chief of police. Most members of the Legislature hold full-time jobs.
>
> The problem is a **Hackensack city ordinance,** which **states that, Members of the Department of Police are positively prohibited from active participation in politics...."**
>
> Whatever the merits of the ordinance – Mr. Zisa and the city attorney say it is outdated, unenforceable, and probably unconstitutional – it is on the books. How can a chief of police choose to obey some parts of the municipal code and not others? How does he justify that selective obedience to other police officers and to the city's residents?...

Consider that Moretti has been victimized by Frank Zisa Jr., who supplied Bureau of Criminal Identification reports to Charles "Ken" Zisa while John "Jack" Zisa supported his brother as Police Chief and thereafter Assemblyman. Cosmetic maintenance issues at 391-395 Park Street were characterized by Ferenczi as code violations, resulting in tenants, fearful of beatings, having to trash their apartments to earn money to feed themselves. Ferenczi discovered the fraud but could not testify since her testimony was cut off by Judge Roy McGeady.

When Moretti visited his mother at the Hackensack University Medical Center, he discovered that the hospital was under guard by a Hackensack security force. His visiting privileges were cut short, and his mother under guard and wearing a prisoner-style security bracelet was dosed with morphine resulting in her death. She was transported to Maple Glen at Fair Lawn nursing home where the security bracelets set off and locked doors otherwise open to guests who thought that walking out was possible. Judge Anthony Sciuto, viewing the matter narrowly on these facts, believed the hospital was protected by the necessity of having an affidavit of merit sworn out by an expert, and dismissed the case. Appellate review remanded the matter to the trial court, but the hospital has filed a motion to dismiss once again.

Why did this occur? Consider the following articles which must have come to the attention of Frank Zisa Jr. and Charles "Ken" Zisa. **The Record**, Old Time at Duke's, June 2, 1985. Editorial Opinion, Marking Time, by Mark Stuart. [Posted at Record Computer Terminal Access. Terms: Restaurant. History. Mob. Gambling. Order Number 901254]

> Frank Borsky is an old buddy of mine. He was one of that peerless pack of reporters on the long-gone NewYork Journal- American in the days of city editor James "Red" Horan and managing editor Paul Schoenstein....

The other subject that fascinates Borsky is politics. That, of course, is natural for a guy who was born and brought up in Jersey City, where every kid ingests politics with his Pablum and cod-liver oil. Borsky can regale you for hours with tales of the days when Frank "I Am the Boss Hague, resplendent in Chesterfield coat, long pointed collars, and spats, ran Hudson County with an iron fist hidden in a doeskin glove.

I ran into Borsky recently in Cliffside Park at a combination health club and restaurant at the base of the huge condominium complex known as Winston Towers.....

"That's where **Palisades Amusement Park** used to be, right?" he asked me. That's right, I answered. We fell to reminiscing about that great old place. We talked of the thrilling rides, the giant swimming pool with its artificial waves, the gypsy fortune tellers and phony handwriting experts, the trolley cars that used to run up the Palisades from the 125th Street ferry....

"You don't remember Duke's, right across from the park entrance?" I prodded.

Frank thought for a moment. He couldn't recall what it looked like, but he sure remembered the stories about the place he used to hear down in Hudson County.

"Duke's was a Bergen County hangout," said Frank. "I remember it was famous for its patrons – hoods, gunsels, racketeers, and bootleggers."

It sure was. These people came to Duke's for good reason. Duke's was a nondescript place – on the outside. The back room was its real reason for being. **This was where Willie and Solly (as he was called) Moretti had their "office."** It was furnished lavishly in what was popularly called **Italian Provincial,** although you'd be hard put to find any region in Italy where such furniture was on display.

The door to that back room was made of a double thickness of steel. The windows looking out at the street were heavily barred. The walls, nine inches of stone reinforced with concrete, could have served as a bomb shelter – and sometimes did...

In this room a plan was hatched in the Thirties to bring the big gambling games to New jersey from New York, where reform-minded district attorneys like Thomas E. Dewey were creating problems for the likes of Charles "Lucky" Luciano, Frank Costello, Meyer Lansky, and Jos Adonis. The architect of this agreement was Abner "Longy" Zwillman, the kingpin of New Jersey bootlegging and a political power in Newark.

Zwillman's scheme was simple. The combination would buy a string of roadhouses using dummy real-estate firms. The string stretched along the rim of the Palisades through Bergen and Hudson counties, then back toward Passaic and Morris. Some were large, ornate buildings like the Carriage Club in Florham Park, later to become the Florham Park Country Club. These were frequented by business executives and government leaders, often in top hat and tails....

Now consider that the real estate purchased at 391-395 Park Street, Hackensack was made from moneys issuing from the sale of the Demarest property owned by Salvatore Moretti, Sr. in 1952. That property is is described as follows by **The Record**, June 9, 1952. Hemorrhage Fatal to Solly Moretti. Bergen Racketeer Stricken During Prison Term.

Trenton, June 9 (AP) - Salvatore (Solly) Moretti, 49-year-old gambler and racketeer of the New York-New Jersey underworld, died yesterday at the state Prison Hospital as a result of a cerebral hemorrhage. He Was Closemouthed

He was stricken May 5 - the day he was to have come up for a parole hearing. Moretti, whose brother Willie was shot to death, gangland style, in a restaurant last year, was serving a 2-to-3-year sentence for operating a million dollar dice game in Bergen County.

Along with Moretti, Joe Adonis and several of his lieutenants, were convicted and are now in the same prison.

Not at all like his brother, who was brash and talkative and referred to as the clown prince of crime, Solly Moretti was closemouthed about his activities....

Woven though the record of his life are such names as Irving (Waxey-Gordon) Wexler - dope pusher and prohibition-era beer baron now serving a life term as a fourth offender; Albert Anastasia, reputed gunman for the old Murder, Inc., and Adonis.

Moretti told the Senate Crime Committee he made $84,000 in 1940, a year when he had no visible means of support.

His home, a $60,000 showplace in Demarest, was surrounded with floodlights, a high wire fence, and vicious watch dogs.

In 1950, New York charged his with conspiracy to violate gambling laws both of that State and New Jersey. Solly was hit at the same time with a gambling indictment, from New Jersey Deputy Attorney-General Nelson Stamler, head of a probe of rackets and corruption in Bergen County.

The Senate Crime Committee cited Moretti in January 1951 for contempt for refusing to answer questions.

Although New York had prior rights on Solly and other members of the Bergen County dice operation, they let New Jersey have first crack at him because the laws here carried a stiffer penalty.

> Moretti and Adonis were described by New York District Attorney Vincent A. G. O'Connor as two of the nation's most notorious and flagrant law breakers...

What has occurred is that the Zisas are trying to work a forfeiture of Moretti's real estate because they are on the trail of "dirty money." Their $100,000 annual salaries testify to the costs of fabricating their cases. They are ambitious and seek jobs as sheriff and Bergen county freeholder. Is there any wonder judges are unable to rule in petitioner's favor? Is it any wonder Hollis was suspended from the practice of law? Is it any wonder tenants who were beaten up were unable to pay their rent?

When petitioner appealed to the N. J. Supreme Court, Deborah Poritz was the presiding judge of the court. Consider her testimony [App. 237] before the New Jersey Senate Law and Public Safety Committee. "Review State law governing forfeiture of property associated with criminal activity, including the system for distribution of assets seized and accountability for their expenditure."Location Committee Room 4, State House Annex, Trenton, New Jersey. Date: March 14, 1996 10:00 a.m.

> Senator Louis F. Kosco (Chairman): At this point, we'll ask our Attorney General to come forward, because I know you have a schedule to meet...
> Attorney General Poritz: Thank you. I appreciate the opportunity to come before this Committee today. The appropriate use of the civil forfeiture remedy is a subject that has generated a lot of discussion...Forfeiture has emerged as a powerful adjunct to our criminal laws and provides us with an important tool to deter criminals, one which does not rely entirely on prisons and other traditional sanctions imposed by the criminal justice system..
> Indeed, there are many criminal justice experts who believe that forfeiture has emerged as one of the

most powerful weapons against drug traffickers and other persons engaged in criminal activity for profit. It is, ironically, the success of our aggressive use of the forfeiture remedy which has prompted some to attack our efforts. The fact is that the forfeiture program in New Jersey has been highly successful. Millions of dollars earmarked for criminal purposes have instead been put to use for law enforcement purposes and to protect the public safety.

Conclusion

Based upon the foregoing, petitioner applies to the United States Supreme Court to grant certiorari on the bases set forth so that the case may advance to merit brief as required for the setting of just standards to be applied throughout the country.

Date: February 2, 2001

Respectfully Submitted By: (s) Salvatore Moretti,
Petitioner Pro Se

App. 1

Supreme Court of New Jersey

M-227 September Term 2000

49,242

Salvatore Moretti,

Plaintiff-Respondent

v.

United Water Resources, Inc. et al.,

Defendants-Movants

ORDER

Filed

Oct. 04, 2000

Stephen Townsend

Clerk

This matter having been duly presented to the Court, it is Ordered that the motion to dismiss the notice of appeal is granted.

Witness, the Honorable Deborah T. Poritz, Chief Justice, at Trenton, this 3rd day of October, 2000.

I hereby certify that the foregoing is a true copy of the original on file in my office.
(s) Stephen Townsend, Clerk of the Supreme Court of New Jersey

App. 2

NOT FOR PUBLICATION WITHOUT THE APPROVAL OF THE APPELLATE DIVISION

Superior Court of New Jersey
Appellate Division
A-1901-98T2

Salvatore Moretti,
Plaintiff-Appellant,
v.
United Water Resources, Inc., City of Hackensack, and State of New Jersey,
Defendants-Respondents.

Filing date
Appellate Division
Jan. 14, 2000
(s) Clerk of the Court

Submitted: January 5, 2000 - Decided Jan. 14, 2000
Before Judges Baime and Brochin
On Appeal from Superior Court of New Jersey, Law Division, Bergen County

Appellant submitted a pro se brief.

John J. Farmer, Jr. Attorney General, attorney for respondent State of New Jersey (Mary C. Jacobson, Assistant Attorney General, of counsel; Patrick DeAlmeida, Deputy Attorney General, on the brief).
John P. Wallace, attorney for respondent United Water Resources, Inc.
Richard E. Salkin, Esq., attorney for respondent City of Hackensack.

PER CURIAM

Plaintiff appeals from a dismissal of his complaint under R. 4:6-2(e). We find no merit in his arguments. R. 2:11-3(e)1)(E).

Plaintiff was the owner of a twenty-unit apartment building in Hackensack. United Water Resources, Inc. supplied the building with water. A dispute developed concerning the

amount of the water bills charged to plaintiff by United Water. Judgment was entered in favor of United Water. Plaintiff continued to refuse to pay his water bills. Water service was terminated in April 1997. Pursuant to N.I.S.A. 40:48:2.3, the City of Hackensack ordered the property vacated. Plaintiff then instituted this action against United Water, the City of Hackensack, and the State, claiming inverse condemnation. The Law Division dismissed the complaint for failure to state a claim upon which relief can be granted.

We are in complete accord with this disposition. Affirm. I hereby certify that the foregoing is a true copy of the original on file in my office. (s) Clerk of the Court

ORDER entered by the trial court, October 13, 1998.

Richard E. Salkin, 50 Main Street. Hackensack, N. J. 07601 (201) 342-3626, Attorney for Defendant, City of Hackensack
Superior Court of New Jersey. Law Div.: Bergen County
Salvatore Moretti, Plaintiff vs. United Water Resources, Inc., City of Hackensack, State of New Jersey, Defendants.
Docket No. BER-L-5678-97 ORDER

This matter having been opened to the Court on Motion of Richard E. Salkin, Esq., Attorney for the Defendant, City of Hackensack, for an Order dismissing Plaintiff's Complaint for failure to state a claim upon which relief may be granted and the Court having considered the matter and good cause appearing; It is on this 13th day of October, 1998;

Ordered that Plaintiff's Complaint be and hereby is dismissed [each entity was acting within its colorable duties vis a vis plaintiff, the commercial landlord of the subject multiple dwelling; plaintiff asserts over taxation but has been through Tax Court. Plaintiff asserts excessive water bills but had been previously ordered by Court to pay United Water. Plaintiff asserts that City evacuation of building which had no water supply is inverse condemnation. Plaintiff has never serve the complaint on the State of N. J. All of plaintiff's claims have been previously adjudicated and together or

separately (they) do not state cause of action cognizable in this court.

Further Ordered that a copy of this order be served upon all counsel, and on the Pro Se Plaintiff, within seven days of the date of this Order.

Signed Isabel Stark, J.S.C.

Opposed X. Unopposed___

Plaintiff's Letter-Brief filed with the Appellate Division Jan. 21, 1999, two weeks prior to eviction from 390 Park St., Hackensack, N. J.

Jan. 21, 1999 Letter Brief to Appellate Division by Moretti

SALVATORE MORETTI
390 PARK STREET
HACKENSACK, NEW JERSEY 07601
(201) 487-5179

January 21, 1999

Superior Court of New Jersey
Appellate Division Clerk's Office
Hughes Justice Complex
25 West Market Street, P. O. Box 006
Trenton, New Jersey 08625
att: T2 - Ernestine Brooks

re: SALVATORE MORETTI v. UNITED WATER RESOURCES, INC., CITY OF HACKENSACK, AND STATE OF NEW JERSEY, Docket No. A-001901-98T2

Dear Sirs:

Kindly accept this letter-brief on behalf of appellant in the above captioned matter. Appellant has reviewed the material covered by the appendix which was submitted in the trial

court and believes that the positions advanced there are clearly set forth, but that the trial court failed to address the merits of the case. As a result, on Friday, October 9, 1998, Judge Isabel Brawer Stark spent only eight minutes at the hearing on the motion to dismiss. She signed the order [App. 1] submitted by the City of Hackensack, said order dismissing the complaint [App 149] filed on June 17, 1997. As a result of the delays encountered in the trial courts, the properties under appellant's management and ownership have fallen into tax arrears and/or third parties have attempted to acquire the property through sheriff's sales. Sheriff's sales in Bergen County have proceeded at an accelerated rate, as shown by the tax sale list wherein Sheriff Jack Terhune and Sheriff Jay Alpert [App 21-27], and have forced transfer of title for nominal amounts of money; the transfers have included the appellant offices at 390 Park Street, Hackensack. The complaint sub judice is an inverse condemnation action to require the defendants to compensate the appellant for the taking of his property [App 149].

PROCEDURAL HISTORY

On June 17, 1997, plaintiff-appellant Moretti filed a complaint in the Superior Court of New Jersey, Law Division, Bergen County [App 149]. The complaint was docketed as BER-L-5678-97 [App 148]. Appellant attempted to serve the complaint by order to show cause on June 19, 1997, but the order he submitted to Judge Isabel Brawer Stark, J.S.C. was denied [App 3], with the comment that the plaintiff has U. S. Bankruptcy Court action pending. The defendants in that law suit were in attendance at the order to show cause, but refused to accept service requested in forma pauperis which had been allowed in the federal courts, stating that they had not been properly served. Judge Stark refused to take jurisdiction [App 111] despite numerous letter briefs sent to her [App 112]. Note the number of briefs sent by Moretti to the court as shown by the automated case management system [App 17]. On January 29, 1998 John Wallace claimed the water utility had not been properly served with summons and complaint [App 197]. On

January 26, 1998 Patrick DeAlmeida claimed the state had not been properly served with summons and complaint [App 198]. On November 21, 1997 the Clerk of the New Jersey Supreme Court refused to consider Moretti's writ of mandamus filed to require that Judge Stark expedite the trial of the within matter [App 18]. By working one thousand hours, appellant was finally able to pay all the fines and bills which were thrust upon him and have the complaint served by the sheriffs of Bergen and Mercer counties, on the City of Hackensack [App 6.2], on United Water Resources, Inc. [App 6.1], and on the State of New Jersey [App 6]. As soon as sheriff's service was effectuated on the three defendants, the City of Hackensack filed a motion to dismiss on September 23, 1998 [App 208]. The return date for the motion was October 9, 1998. After an eight minute motion hearing, Judge Isabel Stark dismissed the complaint, signing the order on October 13, 1998 [App 1]. Appellant filed his Notice of Appeal with the Appellate Division of the Superior Court on November 24, 1998 [App 7]. The Appellate Division docketed the appeal A-001901-98T on January 6, 1998 [App 9]. The state of New Jersey submitted its case information statement on December 29, 1998 [App 15]. Hackensack submitted its case information statement on January 7, 1999 [App 13]. The United Water Resources, Inc. submitted its case information statement on January 15, 1999 [App 16.1].

STATEMENT OF FACTS

On June 21, 1993, Federal District Court Judge Harold A. Ackerman dismissed the federal civil rights complaint, docketed as 92-4206 (HAA) [App. 167-169] [App 132-133] filed by plaintiff Salvatore Moretti in the Newark Federal District Court. The decision stated that the civil rights complaint failed to state a cause of action despite assertions of over-assessment of Moretti's twenty unit apartment house by the city, exorbitant water utility charges by the Hackensack water company, despite shut-off of water service, despite external dis-economies, and despite excessive penalties invoked by state and municipal inspectors. Additional complaints filed in

the Newark Federal District Court [93-528, 97-1742] were also dismissed, said complaints stating that the municipal services to appellant Moretti's residential properties were poor, and that federal causes of action existed requiring federal court intervention. Two homes burned down adjacent to appellant's apartment house in unusual fires, possibly arson related. Moretti's prior attorney, Robert A Hollis, Esq. Had been suspended from the practice of law by the N. J. Supreme Court [95 N.J. 253]. Resolution 260 [App 184] enacted by the Hackensack Municipal council August 17, 1992 dealt specifically with the impossibility of appellant's paying the excessive water charges. While the real estate appraiser called in by the city (Charles Mason) had provided for a water charge of $900 per annum in his allocation of costs, appellant was required to pay $2,060 per quarter [App. 184].

After 1992, all leases entered into by appellant with his residential tenants at 391-5 Park St., Hackensack contained Clause 28 [App 158] which set a maximum of 200 gallons of water per day which would be paid for by the management. Eight trials [App 159] to enforce this limitation on excessive water bills resulted in not one penny to defer the high water bills charged by United Water Resources, Inc.

On September 11, 1995, appellant was arrested [App 161] and jailed for three days on a harassment complaint filed by Beverly Freeman; Hackensack municipal judge Louis Dinice, (who maintains he is owed money by appellant due to the federal court complaints filed in Newark) set trial for September 18, 1995 before Judge Takvorian. Takvorian refused to consider the facts of the case in which Freeman had glued shut appellant's house door's preventing his entry; Freeman took over 390 Park Street, Hackensack while she was being indicted by the Bergen County Grand Jury. Takvorian also refused to consider that appellant had been jailed as a result of the statements made by Freeman to the Hackensack police department who had refused to accept Moretti's complaints for a week. At a later date, Takvorian fined appellant March

30, 1997 for failing to pay his water bill.

Despite the contention by United Water Resources Inc. that the water charges have been proven in court, appellant has shown that the figures are in error. When the special civil part of Bergen County scheduled a hearing on these water bills, the water company moved for summary judgment. Judge Polito, presiding judge of special civil part in Bergen County, denied the motion and set a date for trial. Judge Polito was replaced by Ellen Koblitz, who had just acted as a lawyer in a drug case on behalf of appellant's tenant in Apartment 395-D Park Street. The tenant was convicted and incarcerated for six years. Judge Koblitz granted summary judgment to the water company [App 118, (DC-705907-92, DJ-111274-95)] on a $7,400 bill [App 117-118] (despite payment of $22,500) , and refused the offer of evidence made by appellant herein. The water utility refused to comply with discovery demands in that case (DC-705907-92) and in a subsequent water case (PUCC 07022-95N, App 200). John Wallace represented the water company in both cases. Appellant Moretti filed a complaint with the Board of Public Utilities in Newark. Appellant Moretti submitted thirty-two questions [App 200-206] for the water company to answer. It refused to answer any of the questions. On the morning of the trial, John Wallace faxed the Answers [App 207], over twenty answers being that the issue of water usage is immaterial. The answers were signed by no one. Even when given an opportunity to prove its case, United Water Resources Inc.. failed to do so. Despite appellant Moretti's claim of failure to meet the demands of discovery, Judge Gerson filed a decision [App 190-192] which was based entirely upon the testimony of a bill collector (DePiero) who was also the meter reader. The meter was not replaced nor checked nor was consumption tested under controlled conditions and for typical periods of high use when malfunction would have been evident. This defeated the purpose of segregation of roles/interests which is fundamental to good auditing practice. It failed the scientific test which would have shown error in actual practice. It failed

the purpose of expert evidence in court based upon control for extraneous factors.

Ten years after a suspicious fire nearly burned down 390 Park Street, Hackensack (appellant's office) [App. 195] in October, 1987, Richard Carucci posted the buildings at 391-395 Park Street, Hackensack. He claimed on behalf of the Hackensack Fire Department that the twenty unit apartment house was uninhabitable and that all utilities must be shut off. It is interesting to note that over three hundred fire alerts had forced the neighboring seventy two unit apartment house (370 Park Street) into bankruptcy sale several years prior (transfer from Dr. Coccoziello to Frank Alster). After the 1992 water shut off and the passage of Resolution 260, appellant set about trying to pay off the water bill. He encountered difficulty in doing so in that he was robbed at the Citibank in New York City on August 8, 1994 of over $7,000 of receipts from the apartment rents. Appellant filed complaint first in the federal district courts, and then in the state court in New York (Kings county court docket No. 2727-96), where the case is stalemated by Citibank lawyers who have adequate funding to make numerous appearances and file voluminous briefs countering appellant's requests for restitution.

Prior to the shut off, John Wallace appeared before Judge Lawrence Smith and revealed that the water company never applied any money to past bills (App. 53 - He's paid money over the year on current bills, Judge, not on the <u>past bills</u>, and that's what we're dealing with, And when he did not make those payments, he was shut off. We appeared in municipal court as a courtesy. By merely juggling figures, Wallace attempts to prove that despite appellant's payment of $2,000 in March, 1997 [App 98.1], and despite offer of payment an additional $5,249.11 [App 174][App 66-67] in court, money is still due and owing. Wallace persisted and shut off water service permanently, resulting in the building closure on April 2, 1997. The fully occupied structure yielded $13,000 rental income per month and carried a small mortgage of less than $2,000 per apartment; after twenty one months $273,000 rental

income from the property has been lost by appellant.

Appellant's two buildings, 391 Park Street, the southerly building, containing ten units (with three room apartments in each unit, as well as a cellar heating system for both buildings) and 395 Park Street, the northerly building (also containing ten units with a cellar for laundry and gas and electric and water meters) was boarded up six months after the shut down on April 2, 1997. The City of Hackensack sued in municipal court to recover the cost in doing so. The case came on for hearing before judge Dinice [App 31], but since he was suing Moretti due to a prior federal district court action, he recused himself and the case was transferred to Elmwood Park. Judge Cippolone found Moretti guilty on March 24, 1998, and fined him. Only thereafter was it learned that Judge Cippolone was the attorney for the Hackensack planning board and had an obvious conflict of interest in that complaints were filed in both the state and federal courts claiming that compensation for condemnation under the eminent domain statute of New Jersey involved both zoning and planning law, and required a three judge panel hear the case due to the taking of the property [App 176].

On September 23, 1998, Richard Salkin filed a motion to dismiss the complaint filed by the appellant herein [App 208]. Salkin's colorful language fails to hide the inability of the city to explain its role in the shut down. Salkin states that plaintiff (Moretti) has shot himself in the foot by his references to his apparently unsuccessful appeals of those municipal real estate tax assessments for numerous years [App 211-212]. Salkin states that "While it is Plaintiff's (Moretti's) implicit belief that human beings can live without a water supply (and continue to pay rent to him?) this is not so [App 210]." Appellant Moretti within maintains that the commission of crime of vandalism on the property by tenants and third parties was due to the inability of tenants to pay exorbitant rents necessary due to errors in assessment procedure. Moretti states at App 120 that "despite tax appeals in 1976-1981, Hackensack boosted his assessment in 1987 from $295,000 to $795,000 [App

151] on lots 22 and 23 (the twenty unit apartment house at 391-395 Park Street, Hackensack)". A $4,000 per month decline in rents collected between February 1991 and February 1992 reflect tenant defaults. Contract rents were not collectible. The water was shut off during litigation on that issue due to non-payment of an unexpected increase in water bills (despite vacancies) [bills amounting to over $45,000 between 1991 and 1996]. On October 9, 1998 judge Isabel Brawer Stark conducted a motion hearing for less than eight minutes at which time she adjourned to consider the issues within this case. On October 13, 1998, Judge Stark signed an order dismissing the complaint [App. 1]. Judge Stark mistakenly believed when she signed the order that "plaintiff asserts over taxation but has been through (the) Tax Court." Clearly, this is error. If this were so, how were the Mason appraisal or the market data shown at App. 163 considered? How was the fair net operating income considered within the municipal code at Section 134-2 [App. 164]? How did Judge Pizzuto respond to the matter of the adoption of federal wage guidelines by the N. J. Administrative Code Section 12:56-6.1 in the case docketed as 8336-93? Judge Pizzuto dismissed this case with prejudice at a summary judgment hearing without consideration of the facts of the case [App 121]. In the following year it dismissed petitioner Moretti's case again, docket No. 9479-95 [App 127] upon motion for summary judgment without testimony by either Moretti or the city of Hackensack, and without consideration of the facts of the case.

At the motion hearing on October 9, 1998, Judge Stark appeared to be of the belief that the case had already been dismissed by her, suggesting that she recollected a motion hearing on July 14, 1997. She claimed at that motion hearing that the United States Bankruptcy Court had sole jurisdiction to act in the matter, and that "no release or dismissal from the United States Bankruptcy Court has been provided.[App 5]." In fact the United States Bankruptcy Court dismissal of In Re Salvatore Moretti, Chapter 13 Filing, Docket No. 97-24,418 (NLW) was filed on July 10, 1997 [App 27.4] four days

previously and a copy of this order was provided to Judge Stark.

On October 20, 1998, Patrick DeAlmeida on behalf of Attorney General of New Jersey Peter Verniero, filed a motion to dismiss appellant's complaint with the Superior Court in Bergen County [App. 213]. The state claims at App. 220 that, "the sole allegation set forth against the state is that it made routine housing code inspections of plaintiff's property over one year and fined plaintiff [App 172, 173, 176] for failing to correct code violations." Clearly, this is mistaken. There was nothing routine in the inspections. Consider appellant Moretti's description of one such routine inspection - [App 165] [Hackensack building inspector Julei Ferenczi] and the state have claimed that building code violations exist at the site. On numerous occasions, plaintiff discovered that tenants removed plumbing parts from their apartments and substituted defective used parts. For example, at Apt. 391-G, Ferenczi and plaintiff entered the apartment and found the water running in the bathroom in the sink continuously. The tenant had changed his front door lock and refused to give the plaintiff the key, thereby preventing repairs to the apartment. After Ferenczi left, Moretti entered the apartment, removed the Gerber stem, and found the brand new shiny Gerber seat he had installed that week. Moretti did not find the new Gerber stem, so he installed another new Gerber stem to complete the repair. Obviously the tenant had quickly changed the stem but did not have time to insert a defective seat. Consider the level of vandalism exhibited by the broken windows on appellant Moretti's car shown in Photograph Page 37 (Photographs by digital imaging are included after App. 181). Appellant described many incidents to the N. J. Tax Court, to Judge Stark, to Judge Dinice, to Julei Ferenczi, and to various state and municipal officials. Moretti was required to move his tools while performing routine repairs to keep all tools within sight as he performed the repair. If he did not do so, the tools were stolen by the tenants. These tenants had removed their toilet seats, had taken their toilet tank parts out

and replaced them with defective toilet tank parts or strung twenty feet of strings between the parts to fabricate incompetent repairs which would justify complaints to the proper officials; these tenants had removed smoke detectors. They too had tools, as can be seen from the photos of cars being worked on in the vacant lot at 387 Park Street to the south of the two apartment buildings. These cars show signs of having the transmissions removed, or the motors removed, such as photo 12, photo 22, etc.

This vandalism accelerated when the property utilities were shut-off on April 2, 1997, resulting in Moretti filing a complaint [App 19] with the Hackensack police department on July 19, 1997. That complaint stated that numerous air conditioners had been stolen out of the apartments. Consider the difficulty of performing routine maintenance activity when the resident manager and maintenance man, appellant Moretti, resident at 391-B Park Street, was assaulted while speaking to Bernard Fayehun, a tenant, by one Killian Osuji [Hackensack Police Department Assault and Battery, App 181.1]. Consider that appellant Moretti was confined five time in the Bergen County jail annex as per "View History of an Inmate [App 181.2]." Consider that Appellant Moretti was denied loans by banks [App 182-183]despite the pay off of all mortgages in 1978 after twenty years of ownership, pursuant to the negative cash flow at the property caused by high vandalism, high taxes, and high legal costs. This forced appellant to perform routine maintenance himself. The maintenance was not routine maintenance. To protest excessive rents caused by over assessment, minorities were forced to sabotage building operations, resulting in main sewer line back-ups. Photo 45 shows the heavy duty snake head required to run the main sewer line 400 times to the middle of Park Street from the clean out in the basement. The tenant over the clean out in Apt. 395-A [Photo number 45] pulled out his ceramic tile so that water would seep down over the basement clean-out thereby interfering with the main sewer line snaking procedure. After seven months of looting,

in which every steel door was forced upon despite every door being dead bolted shut, with every air conditioner removed, the building came to look like the Friendship House (the psychiatric halfway house owned by the Gutterman Musicant funeral home) photos shown at photo 29-31.

As a result of the foregoing, one sees that only the defendants claimed there were "routine" inspections. For example, the city manager LaCava claimed that as a result of routine sweeps in the Park street neighborhood, "the City has inspected over 20 properties on Park Street and the immediate vicinity relative to violations of City Ordinances [App 183]" Appellant within personally visited Mr. LaCava and described to him that the burning down of 111 Passaic Street on March 10, 1978 had alerted Moretti to the extreme neighborhood conditions which were not being addressed by either the city or state. 111 Passaic Street is pictured at the center of photo 34. Below that photo is the adjacent house which burned in a similar fire subsequent to appellant's release from jail after Freeman filed complaint with the Hackensack police department. Above the 111 Passaic street photo on page 34 is 387 Park Street - the Friendship House, which was demolished - the vacant lot was purchased by appellant with the expectation of preserving the neighborhood. This expectation proved illusory.

After the state learned that Judge Stark had signed the order provided by the City of Hackensack dismissing the complaint, it retracted the motion.

LEGAL ARGUMENT

Appellant Moretti incorporates by reference the numerous briefs submitted to the trial court as the basis for this appeal to the Appellate Division. Those briefs were not even considered by Judge Isabel Stark, who devoted but eight minutes on October 9, 1998 to the hearing on the motion to dismiss. Of considerable weight is the letter brief submitted at App. 100-108, and the letter brief at App. 112-145

CONCLUSION.

Appellant hereby requests that the appellate court reverse

the determination of judge Isabel Stark as contained in the Judgment to Dismiss dated October 13, 1998 [App 1], and requests that the loss of rental income of $13,000 per month over the past twenty one months, and the loss of wages for work performed at the apartment site from 1973 to 1998, be considered along with the loss in the value of the buildings (391 and 395 Park Street, Hackensack, New Jersey) and adjoining lot (387 Park Street), which carry a total assessment of $840,000. Consider that the defendants have jointly and severally acted to prevent appellant's ownership and proper operation of the apartment property, while they claim no responsibility to enforce the laws which they are obliged to uphold.

Date: January 21, 1999

Submitted by: (s) Salvatore Moretti, Appellant

Motion for Reconsideration filed by Moretti on Nov. 30, 1999

Salvatore Moretti
Canal Street Station, P. O. Box 1306
New York, New York 10013-0876

SUPREME COURT OF NEW JERSEY

391-5 PARK EQUITIES,L.L.C.,
Plaintiff

- vs. -

SALVATORE MORETTI, HACKENSACKWATER CO. MAYYOR JOHN ZISA, STATE OF NEW JERSEY, LOUIS J. DINICE, AND HENRY J. AMOROSO,
Defendants

Chancery Div.-Bergen County
Docket No. F-7502-98
Supreme Court No. 48,551
Civil Action: Nov. 30, 1999

MOTION FOR RECONSIDERATION CERTIFICATION BY MORETTI, OWNER AT 391-5 PARK ST., HACKSACK, NEW JERSEY

Under oath, Salvatore Moretti, defendant property owner of property situated at 391-395 Park St., Hackensack, N. J., hereby declares as follows:

1. 391-395 Park Street, Hackensack, N., J. has been listed for Sheriff's Sale in the Bergen County Sheriff's office for

December 1, 1999. The attached materials abstracted from a brief I am providing to the Supreme Court pursuant to their order granting an extension show that the within listed sheriff's sale planned for December 1, 1999 is unjust and should be postponed. The loss in rent at the apartment house, owned free and clear in 1978, computed at $13,000 per month equals $406,000 (since building closure on April 1, 1997). Staff Attorney Mark Neary stated in his November 12, 1999 letter that the case was dismissed at the Supreme Court's November 3, 1999 meeting. However, the Supreme Court also entered an order in response to my motion to submit a brief, granting a time extension. This order contradicts the premature dismissal. Based upon the Court's error in providing the notice of briefing schedule to the wrong address (the notice was sent to 390 Park St., Hackensack, now in the possession of an unrelated party), and the problems in the Bergen County Sheriff's Department (89a, etc.) and the Hackensack Police Department, the case should be considered as involving constitutional issues.

2. The Surveillance Team which arrested Stedtler included Mike Mordaga, who entered 395-D Park Street, Hackensack to effect an arrest for distributing cocaine within 1,000 feet of a school. The apartment is located within two blocks of three schools. Mordaga entered the race for Sheriff (App. Page 88). He opposed Jay Albert, a former Hackensack police officer, who now seeks opening of a Dog House Grill (page 88a) opposite the Record Newspaper. Mordaga was on notice when I entered Apartment 395-D that Stedtler was released from the county jail under a Home Confinement Program (91a) whose success in operation was claimed by Sheriff Terhune (91a). Stedtler was being confined to apartment 395-D without water, electric, heat, and light because Hackensack enacted a Resolution on August 17, 1992 and arrested me (134a). The Federal District court denied relief since state remedies existed (1a-41a). Dinice's attorney demanded $8,496.09 (60a) since Dinice heard the water case in Hackensack Municipal Court, which also tried Stedtler for cocaine distribution (66a). Stedtler

was arraigned under three counts (63a) by Judge Sullivan who also seeks money damages in this suit. Sullivan revoked Stedtler's parole, and imprisoned Stedtler in Edna Mahon Women's Prison (at Clinton, N.J.), preventing her tenancy over a period of five years, including jail time in Bergen County. Koblitz acted as head of the public defender's office defending Stedtler, but she also granted summary judgment in favor of the withholding of water to Stedtler (despite the refusal by the water company's lawyer to provide discovery, (77a), and other tenants, and in favor of the Hackensack Water Co. Supreme Court, #48,551. Motion for Reconsideration, Nov. 30, 1999.

(68a). I, too, was arrested and jailed repeatedly by the Hackensack police (74a). Mordaga was repeatedly entering apartment 395-D (while I was performing repairs - a hole in the ceiling). The team to make the arrest included various cocaine purchasers who sought drugs from Stedtler in my presence. The electronic surveillance was evident after Stedtler was released from county jail on River Street, Hackensack.. Auditory cues were received at police headquarters, resulting in Mordaga's driving down Park Street, which was in poor condition at that time, resulting in the police car careening from side to side speeding down the street to the apartment while I was inside. The street has since been paved. There are state and federal guidelines (N.J.S. 2A:156A-1 - 80a, 18 USC Section 2510) applying to such surveillance, but they were disregarded. Since they were disregarded, poverty resulted, (84a) inducing the very crimes complained of. Now forfeiture is over-extended from Stedtler to me. Prosecutor Amoroso seeks money damages as well, knowing that the poverty resultant therefrom results from a conflict of interest between trial lawyers appearing on behalf of criminals and prosecuting criminal matters in other towns. This is currently subject of Supreme Court review.

3. Electronic surveillance was also evident when my house at

390 Park Street, Hackensack, had a "mysterious" fire which nearly gutted the house. A simple contingency was used to start the fire. I was told instantaneously upon ignition to get out of the house so the fire would consume the house. Nevertheless, I put out the fire. After I did so, Hackensack sent an investigating team to find out why the house had not burned down. They knocked down doors in the house (as I repeatedly have described) although I stood there with the keys in my hand, in order to do damage. Carucci sent a notice demanding entry to check the building. Carucci later shut down the apartment house at 391-5 Park St. Subsequently Beverly Freeman, under grand jury indictment and resident at 390 Park St., glued shut all the doors at 390 Park St., Hackensack. I filled out a complaint in the Hackensack police department which was "delayed"; I was arrested and jailed on River Street by the Hackensack police, who entered her room and advised her how to get rid of me. More recently, when I called police headquarters I was told if I complained about this I would be arrested. I discussed these matters with Eric Martindale (116a) who lived in the condos on Park Street, since he was distributing fliers showing "drunken people" in the Park Street neighborhood. Unfortunately, aberrant behavior is common in this vicinity but was not considered in Mason's appraisal for tax purposes (70a). I was interested in these problems since I ran for city council in 1981 (53a). Aberrant behavior and arson were evident in 1978 (54a), since the house adjacent to 395-D Park St. burned down on March 10, 1978. I filed suit then, but the lawyer handling the case was disbarred.

4. Although the allegedly poor building maintenance resulted in my being jailed by Dinice, the building inspector at the property with the state inspector from 1992 to 1996 stated that a local outfit had caused the building damage, as well as the error in inspection reports. Hence, the loss in income from the building prevented pay-off of the fines invoked by the federal district court. As a result, the poor credit rating turned in to

banks (71-72a) prevented payment to the Hackensack water company. This outfit specialized in the transfer of title to property using the illegal methods described. The fact that these acts have been going on since 1943 (79a) and involve anti-Catholic prejudice is evident, but is disregarded.

5. The foregoing statements made by me are the truth. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Date: November 30, 1999
Respectfully submitted: (s) Salvatore Moretti, Pro Se

App. 20

SUPREME COURT OF NEW JERSEY

Stephen W. Townsend, Office of the Clerk, P O Box 970, Trenton, New Jersey 08625-0970

Gail Grunditz Haney, Deputy Clerk

February 17, 2000

Mr. Salvatore Moretti, Canal Street, P O Box 1306, New York, NY 10013-0876

Re: 391-395 Park Equities LLC v. Moretti (48,551)

Dear Sir:

Your papers dated February 11, 2000, have been received by this Office. These papers cannot be accepted for filing.

The above-referenced case was dismissed by the Supreme Court on November 5, 1999. Reconsideration was denied on January 28, 2000, as were two motion for a stay of the sheriff=s sale. Your papers of February 11, seek the same relief that was already considered and denied by the Court. The Rules of Court do not permit you to continue to file repetitive motions like this.

Please be advised that the submission of any additional papers to this Court seeking relief in respect of this property may subject you to sanctions.

_s__Mark Neary
Staff Attorney

c: Howard D. Lipstein, Esq.

SUPREME COURT OF NEW JERSEY

Stephen W. Townsend, Office of the Clerk, P O Box 970, Trenton, New Jersey 08625-0970, Gail Grunditz Haney, Deputy Clerk. March 23, 2000. To: Mr. Salvatore Moretti, Canal St. Station, P O Box 1306, New York, NY 10013-0876

Re: Your papers dated March 14, 2000 and March 17, 2000
Supreme Court Docket Nos. 48,238, 48,551, and 49,242

Dear Mr. Moretti:

This office is in receipt of your papers of the above-referenced dated. These papers do not comply with the Court Rules, and therefore will not be filed or acted on by the Court. Neither the Clerk's Office nor the Supreme Court are required to parse lengthy, single-spaced papers like those you have submitted to determine what relief a party may be requesting. The relief sought must be clearly expressed in a notice (notice of motion, notice of appeal, or notice of petition for certification). All papers must be double-spaced, and briefs are subject to strict page limitations.

Enclosed is a copy of the Supreme Court's Guide for Litigants without Lawyers. I suggest that you read the Guide closely and follow its instructions in preparing any future papers.

I also note that your appeals in 391-395 Park Equities v. Moretti, (Docket No. 48,551) and Chase Mortgage Services, Inc. v. Moretti (Docket No. 48,283) have been dismissed, and no further papers will be accepted for filing in those cases. (see my letter dated February 17, 2000, copy attached.) In addition, although you have filed a notice of appeal in Moretti v. United Water Resources, Inc. (Docket No. 49,242), that appeal is subject to possible dismissal just as your previous appeals were dismissed. (A party has the right to appeal to the New Jersey Supreme Court in very limited circumstances B see Guide). I therefore suggest that you submit forthwith your answer to the motion to dismiss filed by the Attorney General.

(S) Mark Neary, Staff Attorney

c: Clerk of the Court, Patrick DeAlmeida, John P. Wallace.

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1. Page 1a. Jan. 14, 2000 Certification Attachment of Order filed Nov. 10, 1999 391-395 Park Equities v. Salvatore Moretti et al. N. J. Supreme Court No. 48,551. Motion for Leave to File an Appellant's Brief is granted.

2. Page 2a. Order filed Jan 4, 1996 in N. J. Supreme Court, Salvatore Moretti v. City of Hackensack, 41,120, Denial of Petition for Certification. Appeal from Judgment in A-4913-94.

3. Page 3a. Dec. 11, 1996 Administrative office of the Courts to Moretti w.r.t. letters dated Oct 21 to Nov. 8, 1996 to Governor Whitman.

4. Page 4a. Order filed on Feb. 7, 1995. Tax Court of N. J. (s) Peter D. Pizzuto, J.T.C. Order written by Donald J. Lenner, Esq. 286 Union St., Hackensack. Order Dismissing Tax Court complaint Salvatore Moretti v. City of Hackensack, Docket No. 8336-93.

5. Page 5a. Order filed April 22, 1993 Superior Court, Special Civil Part, Salvatore Moretti v. Hackensack Water Company, Docket No. 705907, Order Granting Summary Judgment to Hackensack Water, order drafted by John P. Wallace, Esq.216 E. Ridgewood Ave., Ridgewood, N.J. Order signed by Ellen Koblitz, formerly lawyer in Legal Defense defending Susan Stedtler.

6. Pg. 7a. Order Filed June 14, 1993. No. 705907, Order denying rehearing in above case, signed by Koblitz.

7. Pg. 8a. Order filed June 15, 1993. Docket No. DC-4327-93. Moretti v. Acquanetta Fields and Bergen County Board of Social Services, (s) Ellen L. Koblitz, Judge in Special Civil Part, Superior Court in Bergen Cty., $2,070.40 to B.C.B.S.S. due to counsel fees to Richard P. Williams representing the B.C.B.S.S.

8. Page 10a. Order signed by Judge Gerald Escala, J.S.C., Chancery Division, Chase Mortgage Services v. Salvatore Moretti et al., Docket No. F-16923-97, Order dated Feb. 9, 1999. Stay of Execution of Writ of Eviction from 390 Park Street Home Denied.

9. Pg. 11a. Sheriff's Notice. Howard D. Lipstein, Esq. 535 Morris Ave., Springfield, N.J. Sept. 29, 1999 Sheriff's Sale of 391-395 Park St., Hackensack. CH75964.

10. Pg. 12a. Prosecution and Defense of Forfeiture Cases, Martin Bender Publishers, From Swagger to Suicide, Nicholas Bissell Jr.,

D.A. of Somerset County. See Leonard Levy, A License to Steal. Also: Civil Forfeiture as a "Sin Tax" - By Boudreaux and Pritchard.

11. Pg. 13a. U.S. v. All Right, Title and Interest in Property, 744 F. Supp. 510 (S.D.N.Y.)

12. Pg. 17a. Forfeiting Our Property Rights, by Rep. Henry Hyde, 1995.

13. Pg. 20a, United States v. Real Property Located at 6625 Zumirez Drive, Malibu, California
845 F. Supp. 725.

14. Pg. 24a. Cheh, Can Something This Easy, Quick, and Profitable Be Fair, 39 N.Y.L.Sc. L. Rev.1.

15. Pg. 24a. Leonard W. Levy, A License to Steal, The Forfeiture of Property, 1996.

16. Pg. 35a. Organized Crime in Interstate Commerce, Tuesday, Dec. 12, 1950. U. S. Senate, Sen Kefauver. Testimony of Salvatore Moretti, Sr.

17. Pg. 46a. Death Certificate of Guarino Moretti, Oct. 4, 1951. Death due to Bullet Wounds of Head

18. Pg. 47a. May 18, 1954 Bergen Evening Record, Selser Studying his next move after order to tell on Moretti.

19. Pg. 48a. Death Certificate of Salvatore Moretti, Died in Trenton State Prison, decedent's home was in Demarest, N.J.

20. Pg. 49a. Bergen Evening Record, June 9, 1952. Article Entitled Hemorrhage Fatal to Solly Moretti - Bergen Racketeer Stricken During Prison Term.

21. Pg. 50a. Letter dated Feb. 22, 1974. Gladstone, Hart Law office to Joseph Zisa, Zisa and Jacobs, Esqs. Hudson St., Hackensack, dated Feb. 22, 1974, stating this office has been retained by Salvatore Moretti with respect to Park Court Apts. In its rent appeal to the Hackensack Rent Board.

22, Pg. 53a. Oritani Savings and Loan Bank Mortgage Printout showing Jan. 1, 1975 to Oct. 31, 1975 balance on mortgage decreasing from $40,594.29 to $33,613.96 with mortgage payments of $877.63 per month on a loan of $125,000 made November 12, 1958 of $125,000 to ROR Construction Corp. on property at 391-395 Park St., Hackensack, with current address at 391 B Park St., Hackensack.

23. Pg. 54a. Record newspaper article April 18, 1978 entitled, "A sad

familiar story," stating Salvatore Moretti is suing Friendship House which moved psychiatric patients into 387 Park St., Hackensack despite the fact that the property owner, the Gutterman Musicant funeral home, did not notify neighborhood property owner's that it was seeking a zoning variance. Hollis abandoned the suit, resulting in dismissal by the Bergen County Assignment Judge.

24. Pg. 55a. Jan 13, 2000 Record article showing different attitudes of William "Pat" Shuber, Bergen County Freeholder, and John F. "Jack" Zisa, Hackensack Mayor, about role Hackensack is to play as the county seat.

25. Pg. 57a. Jan. 14, 2000 Record article about Eric Martindale (environmentalist), entitled, Puppy killer must dig graves at pet cemetery. Sentenced to 300 hours' service.

26. Pg. 58a. April 4, 1997 Record article about closure of Park Court Apartments on April 1, 1997 by Carucci of the Hackensack Fire Dept., entitled, Apartments condemned over unpaid water bills.

27. Pg. 59a. April 2, 1997 Denial of Order by Judge Lawrence D. Smith, as discharge of water bill, docketed as Judge Koblitz' judgment for $6,655.11 of April 16, 1993 (DC-705907-92), despite offer by Moretti to pay same. Two P.M.O.'s of $1,000.00 were paid, 3/14/97 and 3/17/97, and three more were offered on 4/2/97, as well as a $2,000 check, and a remaining balance by a P.M.O. of $600, plus a check from Salvatore Moretti of $149.44.

28. Pg. 60a. April 4, 1997 Denial of Order drafted by Moretti by Judge Lawrence D. Smith, case of **Moretti v. Hackensack Water Co.**, DJ-111274-95, seeking to pay money directly into Superior Court in order to require the water company to discharge Koblitz' judgment for $6,655.11, thereby preventing the closure of 391-305 Park St., Hackensack.

29. Pg. Pg. 61a. August 17, 1992 **Resolution 260** adopted by the Hackensack Municipal Council with respect to water account Y 0618519050-1 belonging to Park Court Apartments, 391-395 Park St., Hackensack. [first page of resolution only shown]

30. Pg. 62a. Richard Salkin's Brief filed with the Appellate Division in defense of Hackensack's closure of 391-395 Park Street, Hackensack, which appeal was filed by Moretti seeking to overturn Judge Stark's dismissal of **Moretti v. United Water Resources, Inc.,**

City of Hackensack, and State of New Jersey, BERL-5678-97, the complaint filed June 17, 1997.

31. Pg. 65a. Order filed April 23, 1997 signed by Judge Lawrence D. Smith, order drafted by John P. Wallace attorney for water co., DJ-111274-95, DC-705907-92.

32. Pg. 67a. Jan. 25, 1999 letter by Moretti to Foreclosure Office of Superior Court in Trenton stamped "Contested $105.00 Check" Received, Jan. 28, 1999, case of 391-395 Park Equities L.L.C. v. Salvatore Moretti, Hackensack Water Company, Mayor John Zisa, State of New Jersey, Louis J. Dinice, and Henry Amoroso, F-7502-98. Shortly thereafter, Moretti was evicted from 390 Park Street, Hackensack office due to Bergen County Sheriff's Sale of 390 Park Street at which T Performance (Kevin O'Shea) bought the house.

33. Pg. 68a. Writ of Execution by 391-395 Park Equities (Howard D. Lipstein, Esq., 535 Morris Ave., Springfield, N.J.) F-7502-98, (s) Donald F. Phelan, June 30, 1999.

34. Pg. 71a. Resume of Salvatore Moretti, showing attendance at Englewood School for Boys from 1950-1958, George Washington University, and New York Law School, plus work in the food industry up to 1999.

35. Pg. 72a. Photo of Salvatore Moretti's Car window and front headlight after his car was attacked by an ax wielding person the morning Moretti was scheduled to appear before Judge Lawrence D. Smith in Superior Court with respect to Apt. 395-C tenant's non-payment of rent.

36. Pg. Notice of trial in Saddle Brook Municipal Court dated Aug. 31, 1993, N.J. v. Killian N. Osuji, trial set for Oct. 6, 1993, after recusal by Hackensack Judge Dinice. Fayehun could not attend since he was hospitalized a second time, after he was beaten up a second time, just prior to trial.

37. Pg. 74a. Urgent Care Medical Group, Sept. 21, 1993 report showing treatment of Bernard Fayehun, tenant in 390 Park Street, Hackensack house (room rented by Moretti) due to beating received from the Osuji gang.

38. Pg. 75a. Order signed by Judge Ellen Koblitz, allowing Fayehun to reenter room rented at 390 Park St., Hackensack, order signed Nov. 12, 1993. When Moretti appeared to explain what had occurred (attack by Osuji) prior to Fayehun's inability to pay rent and live in

Room No. 2, he was removed from the court by security in the Bergen County Court House upon the order of Judge Koblitz; the security force was under the control of the Bergen County Sheriff's department.

39. Complaint DC-705907-92, filed by Moretti, Moretti v. Hackensack Water Company seeking $7,500 due to over-billing on account in which 320,892, 1,298,528, and 425,612 gallons of water use were billed in consecutive quarters at 391-395 Park St., Hackensack apartment house. Complaint filed in Special Civil Part, first heard by Judge Ralph Polito, Presiding Judge of Special Civil, then by Judge Ellen Koblitz, Presiding Judge of Special Civil, newly transferred after Koblitz was transferred from Bergen County Legal Defense Group to judgeship.

40. Pg. 78a. 1991 Appeal by Moretti to Bergen County Board of Taxation, showing $766,800 real estate assessment (reduced from $792,300 due to locational obsolesence) for Block 418, Lots 22 and 23, a.k.a. Park Court Apts., 391-395 Park St., Hackensack.

41. Pg. 79a. Nov. 14, 1994 notice by Moretti to Donald J. Lenner, Esq. 286 Union St., Hackensack, with respect to failure to answer interrogatories in tax appeal to N. J. Tax Court, Case No. 833693 dealing with Park Court Apts.

42. Pg. 81a. Aug. 16, 1977 letter to Joseph Squillace, Hackensack City Manager, concerning problems at operation of boarding house at 111 Passaic Street, Hackensack, including barking dogs, etc. Signed by Moretti, on letter head of ROR Construction Corporation.

43. Pg. 82a. Aug. 17, 1977 reply in re disturbances at 111 Passaic St., Hackensack.

44. Pg. 83a. May 12, 1978 letter to Joseph Squillace with respect to fire which gutted 111 Passaic Street house, on March 10, 1978.

45. Pg. 84a. May 15, 1978 Roger W. Breslin, Bergen County Prosecutor, with respect to arson investigation at 111 Passaic Street, Hackensack fire.

46. Pg. 85a. Record article disapproving of the lawsuit filed by Moretti against the psychiatric half-way house at 387 Park St., Hackensack., terming the suit a one man vandetta.

47. Pg. 86a. Special Civil Complaint filed by Moretti in case of **Moretti v. Edwina Alexis, Hackensack Police Dept., and Hackensack Fire Dept.,** detailing the break into of Apt. 395-B Park

St., Hackensack leased to Alexis on June 14, 1992.

48. Pg. 87a. Posting of Bail of $750.00 by Salvatore Moretti to release Susan Stedtler, (State of New Jersey v. Stedtler), from Bergen County Jail on June 20, 1992 after she was arrested in her apt, 397-D, due to violation of the law on controlled dangerous substances.

49. Pg. 88a. Complaint filed by Michael Mordaga, in which Eric Winfield was arrested Jan 31, 1992 in Susan Stedtler's apartment 395-D, due to cocaine possession.

50. Pg. 89a. Oct. 3, 1992 article appearing in the North Jersey Herald and News, entitled "Drugs stashed on 4-year old, Cops find coke, pot on girl," detailing arrest of Susan Stedtler, Jefferson Eason, William Eason, and Tracy Hagler by Hackensack police officers Christopher Toomey and Woody Powell Arrest was at a Second Street apartment house.

51. Pg. 90a. Excerpts from Moretti's files noting arrest of Susan Stedtler on May 8, 1992 on four warrants by Hackensack Police, warrants related to C.D.S. violations, resulting in imprisonment of Stedtler in Edna Mahon Woman's Prison in Clinton, N. J.

52. Pg. 92a. Transcript of Proceedings before the Bergen County Superior Court, Judge Lawrence D. Smith presiding, on April 11, 1997, case of Moretti v. Hackensack Water Co., DJ-111274-95.

53. Pg. 115a. April 20, 1993 Brief filed (U.S.D.C. 93-528) by Moretti in opposition to Dismissing of Case, Salvatore Moretti v. Timothy J. Sullivan and Louis J. Dinice, United States District Court, brief submitted to Judge John C. Lifland, J.D.C. Brief argues that there were civil rights violations by the judges leading to the incarceration of Stedtler, and failure to follow procedural due process protections afforded by the law.

54. Pg. 157a. Jan. 18, 1999 letter by Thomas Martin, in re Moretti v. Dinice and Sullivan, seeking $496.09 awarded by the federal trial court.

55. Pg. 159a. Deposition of Mary Wing, case of Moretti v. Citibank, Citibank Branch No. 11, Mary Wing, and John Doe, due to robbery in July, 1994 from Moretti of over $7,000 of rents paid by tenants at 391-395 Park St., Hackensack. Robbery occurred in Citibank Branch No. 11 at Broadway and Canal Street, in Lower Manhattan, as Moretti sought to deposit the money to pay bills.

56. Pg. 203a. Deposition on Oct. 23, 1993 of Bernard Fayehun in case of Moretti v. Killian N. Osuji, case filed in Superior Court of New Jersey.

57. Pg. 248a. Transcript of Proceedings before the Hackensack Municipal Court on Dec. 4, 1995, Hon. Theodore Takvorian, presiding, case of cross-complaints filed by Beverly Freeman and Salvatore Moretti relating to room rental at 390 Park St., Hackensack. Beverly Freeman v. Salvatore Moretti, Salvatore Moretti v. Beverly Freeman.

58. Pg. 264a. Transcript of Motion before the N. J. Tax Court, June 10, 1996, Docket No. 9475-95, Excerpts from hearing on Moretti v. City of Hackensack, Tax Appeal of assessment of Park Court Apts, 391-395 Park St., Hackensack.

59. Pg. 275a-276a. Resolution 260 passed Aug. 17, 1992 by Hackensack dealing with water bill at Park Court Apts.

60. Pg. 277a. Transcript of Proceedings on August 17, 1992, Aug. 19, 1992, and Aug. 26, 1992, in case of State of N. J. v. Salvatore Moretti before the Hackensack Municipal Court, Judge Louis J. Dinice presiding.

61. Pg. 301a. Transcript of Proceedings on Sept. 2, 1992, Oct. 7, 1992, Oct. 28, 1992, Nov. 4, 1992, Dec. 3, 1992, before the Hackensack Municipal Court, Judge Louis J. Dinice presiding., City of Hackensack v. Salvatore Moretti, C-92-3106. Case involved water payments. Prosecutor Henry Amoroso appearing on behalf of the State of N. J.

62. Pg. 395a. Denial of Order submitted by John P. Wallace, Esq. on behalf of Hackensack Water co., D.C. 705907-92, Order seeks to dismiss complaint filed by Salvatore Moretti. Judge Ralph A. Polito, J.S.C., P. J. Special Civil, Denied the order Jan. 8., 1993.

63. Pg. 396a. Order Granting Summary Judgment, Moretti v. Hackensack Water Co. D.C. 705907-92, Order Filed April 22, 1993, signed by Judge Ellen L. Koblitz., newly transferred in as Presiding Judge of Special Civil. Order grants water company $6,655.11.

64. Pg. 398a. Moretti v. Hackensack Water Co., D.C. 705907-92. Motion to reconsider denied by Judge Ellen L. Koblitz, Filed June 14, 1993.

65. Pg. 399a. Moretti v. Hackensack Water Co., BER-L-08191-92. (s) Oct. 13, 1992, Complaint dismissed by Judge Edward Van Tassel, J.S.C. Order filed Oct. 16, 1992.

66. Pg. 400a. Appellate Division Order dated Aug 14, 1992, case of Moretti v. Hackensack Water Co., Denial of Order for emergent relief by the Appellate Division relating to shut off of water services, with statement that the Bergen County Board of Social Services and the Housing Authority of Bergen County shall be notified as to the shut off of water services at 391-395 Park St., Hackensack. Park Curt Apts.

67. Pg. 401a. Temporary Restraining Order denied by Judge Naomi G. Eichen, J.S.C. on July 27, 1992. Order drafted by John P. Wallace, on behalf of Hackensack Water Compay, in Moretti v. Hackensack Water Co. and Board of Regulatory Commissioners, BER-L-08191-92.

68. Pg. 403a. Case of Moretti v. Hackensack Water Co. and Board of Regulatory Commissioners, BER-L-8191-92, Order to Restrain Water Co. from discontinuing water service to 391-395 Park St., Hackensack, order denied by judge James T. Murphy, on Aug. 7, 1992.

69. Pg. 404a. Moretti v. Mayor John Zisa and the Hackensack City Council, et al., Federal District Court Docket No. 92-4226 (HAA). Interrogatories served upon Hackensack Water Co. by Moretti.

70. Pg. 424a. Interrogatories served upon City of Hackensack dated Sept 9, 1992, by Moretti in re Docket No. C-92-2948, C-92-2916, C 92-2940 Summons No. 42-6599, W337641, W337637. Interrogatories not answered under claim that they are not allowed in quasi-criminal cases.

71. Pg. 432a. Answer and Third Party Complaint filed by Moretti, case of State of N. J. v. Moretti, C-92-2916, C 92-2940, C 92-S426599, dated Aug. 25, 1992.

72. Pg. 457a. Transcript of Motion, case of Salvatore Moretti v. Hackensack Water Co., hearing held on April 16, 1993, before Hon. Ellen Koblitz, J.S.C. Motion for Summary Judgment by Hackensack Water Co.

73. Pg. 516a. Transcript of Motion, case of Salvatore Moretti v. Hackensack Water Co., hearing held on June 11, 1993, before Hon.

Ellen Koblitz, J.S.C. Motion for Summary judgment by Hackensack Water co.

74. Pg. 537a. Transcript of Motion, case of Salvatore Moretti v. Acquanetta Fields and Bergen County Board of Social Services, DC-4327-93, Before Hon. Ellen Koblitz, J.S.C., hearing on June 11, 1993. Fields' rent payments terminated upon discontinuance of subsidy by subsidy agent, B.C.B.S.S.

75. Pg. 567a. Interrogatories served upon Hackensack Water Co., Office of Administrative Law, PUCC 07022-95N, answered by John P. Wallace, Esq. on behalf of Hackensack Water Co. with answers shown at 574a, 23 questions were answered with one word, "immaterial," the rest of the answers were ambiguous.

76. Pg. 575a. Transcript of Proceedings before the Office of Administrative Law, case of Moretti v. Hackensack Water Co., PUC 7022-95N, Administrative Law Judge Jeffrey A. Gerson, April 23, 1996.

77. Pg. 638a. Transcript of Order to Show Cause, Moretti v. Hackensack Water Co., DJ-11274-95, April 1, 1997, before Hon. Lawrence D. Smith, J.S.C.

78. Pg. 653a. Transcript of Order to Show Cause, Moretti v. Hackensack Water Co., DJ-11274-95, April 2, 1997, before Hon. Lawrence D. Smith, J.S.C.

79. Pg. 682a. Transcript of Order to Show Cause, Moretti v. Hackensack Water Co., DJ-11274-95, April 4, 1997, before Hon. Lawrence D. Smith, J.S.C.

80. Pg. 702a. Transcript of Order to Show Cause, Moretti v. Hackensack Water Co., DJ-11274-95, April 11, 1997, before Hon. Lawrence D. Smith, J.S.C.

81. Pg. 702a-1023. Deposition of Salvatore Moretti, case of Salvatore Moretti v. Citibank, N.A., Citibank Branch No. 11, Mary Wing, John Doe, et al., Index No. 2727096. Transcript conducted by Sills Cummis, et als., lawyers for Citibank on June 11, 1997.

82. Pg. 1024. Letter sent by Moretti to Clerk U.S. District Court in Newark, N. J. and Clerk, U.S.Court of Appeals in Philadelphia, with respect to case of Moretti v. Dinice and Sullivan, 93-528 (JCL). Letter explains that the attempt to pay judgment in behalf of Dinice resulting from award of legal fees was frustrated by the shut down of the

apartment house which was the result of the problems detailed in the complaint filed with the U.S. District Court by Moretti.

83. Pg. 1029. N.J. Supreme Court published opinion in the case of N. J. v. Leo Jones, 143 N.J. 4, decided Dec. 13, 1995. Jones was arrested at the building at 370 Park St., Hackensack by members of the Hackensack Narcotics Squad following several years of unexplained fire alerts at the building. The case noted at p. 1030 that "on October 18, 1989, Sergeant Michael Mordaga and Robert Wright of the Hackensack Police Department's Narcotics Street Crime Unit were conducting a surveillance near an apartment complex located at 370 Park Street." The Appellate Division stated that the police breaking into the apartment occupied by Jones was a violation of due process, and at p. 1028 states, "the State claims that the outstanding warrant against Collier, along with the flight of Collier and defendant into a known drug location met the exigent circumstances exception. We disagree. In our view, this situation is governed by State v. Bolte, 115 N.J. 479, 560 A.2d 644, cert. denied, 493 U.S. 936, 110 S.Ct. 330, 107 L.Ed. 2d 32 0 (1989)."

84. Pg. 1037. N.J. Appellate Division decision in the case of N.J. v. Harry Kittrell, 279 N. J. Super. 225, 652 A.2d 732, decided January 31, 1995. Arrest of Kittrell for possession of controlled dangerous substances in the Newman Street apartment projects of Hackensack in the same neighborhood as occupied by Park Court Apts., 391-395 Park St., Hackensack.

85. Pg. 1042. N.J. v. Harry Kittrell, 145 N.J. 112, 678 A. 2d 209, N.J. Supreme Court case decided July 3, 1996.On Appeal held that there was no violation of due process. The N. J. Supreme Court stated that "the area surrounding and including 69 Railroad Avenue is located in a high drug distribution area and the Hackensack narcotics Division has made hundreds of drug arrests there."

86. Pg. 1043 United States of America v. A Parcel of Land, Buildings, Appurtenances, and Improvements, Known as 92 Buena Visa Ave., Rumson, New Jersey, U. S. District Court 89-1411 June 1, 1990.

87. Pg. 1045. United States of America v. A Parcel of Land, Buildings, Appurtenances, and Improvements, Known as 92 Buena Visa Ave., Rumson, New Jersey, U. S. District Court 89-1411, U. S.

Court of Appeals Third Circuit, 90-5823. Decided June 17, 1991.Civil Forfeiture Case.

88. Pg. 1048. United States of America v. A Parcel of Land, Buildings, Appurtenances, and Improvements, Known as 92 Buena Visa Ave., Rumson, New Jersey, U. S. District Court 89-1411, U. S. Court of Appeals Third Circuit, 90-5823. United States Supreme Court, 507 U.S. 111, 122 L.Ed 2d 469, 113 S. Ct. 1126, Argued Oct. 13, 1992. Civil Forfeiture Case.

89. Pg. 1052. 44 Rutgers Law Rev. 205 (1991) Primitive Justice: Private Prosecutions in Municipal Court under New Jersey Rule 7:4-4(b). by Judson Hand.

90. Pg. 1055. Vargas v. Calabrese, 714 F. Supp. 714 (D.N.J. 1989). Election law violations. Mayor Gerald McCann.

91. Pg. 1057. The Record, March 11, 2000 Article. Sheriff's brother, 7 others indicted. Accused of looting dead man's home.

92. Pg. 1059. The Record. March 14, 2000 Article. 4 suspended in Cliffside Park Scandal; Theft-arson conspiracy case rocks town.

93. Pg. 1061. Sheriff's Sales, Bergen County, By Sheriff Jack Terhune, 8/22/97-10/06/98. By Sheriff Jay Alpert, 3/19/98 to 3/29/99. By Sheriff Joseph L. Ciccone, 2/2/99-12/30/99.

94. Pg. 1078. Certification by Salvatore Moretti filed in N. J. Supreme Court, 391-395 Park Equities v. Moretti, Hackensack Water Co., Mayor John Zisa, State of N. J., Louis J. Dinice, and Henry J. Amoroso., Bergen County Chancery Div. No. F-7502-98, Supreme Court no. 48,551.

95. Pg. 1083. The Record, April 13, 1978. Article entitled City, police, neighbors back mental center. Concerns psychiatric half-way house used of 387 Park St., Hackensack, adjacent to 391 Park St., Hackensack apartment house containing twenty units.

96. Pg. 1084. The Record, April 18, 1978. Article entitled A sad, familiar story. Concerns psychiatric half-way house used of 387 Park St., Hackensack, adjacent to 391 Park St., Hackensack apartment house containing twenty units

97. Pg. 1085. In the Matter of Robert A. Hollis, an Attorney at Law, decided Feb. 3, 1984 by the N. J. Supreme Court. Suspension of Hollis due to complaint filed when Moretti's case relating to the psychiatric halfway house at 387 Park St., Hackensack was dismissed due to lack of service of the summons and complaint, and due to other

legal issues set forth in the decision.

98. Pg. 1095. In the Matter of Robert A. Hollis, an Attorney at law, decided Oct. 12, 1993. 134 N.J. 124, 631 A.2d 545. Supreme Court of N. J.

99. Pg. 1092. Brief filed by Richard Salkin on behalf of City of Hackensack on June 2, 1999 in the case of Moretti v. United Water Resources, Inc., City of Hackensack, and State of New Jersey, Law Division no. BER-L-5678-98, Appellate Division No. A-001901-98T2.

100. 10 Rutgers L. Rev. 647. The Municipal Court - The Most Important Court in New Jersey. By Chief Justice Arthur T. Vanderbilt. Summer, 1956.

101. Pg. 1097. Report of the N. J. Judicial Conference, June 28, 1985. Supreme Court Task Force on the Improvement of Municipal Court, N. J. Document KFN 2390.N482, 1985.

102. Pg. 1097. Politics and Criminal Prosecution. By Raymond Moley.

103. Pg. 1102. Moretti to Clerk - Foreclosure unit, Superior Court, Trenton, May 6, 1999. In re 391-395 Park Equities v. Salvatore Moretti et al.

104. Pg. 1104. United Water v. Moretti. L-4114-98. Complaint filed April 30, 1998 by John P. Wallace on behalf of United Water Resources, a.k.a. Hackensack Water Co.

105. Pg. 1107. The Record. Aug. 19, 1999. Suez Lyonnaise Cools United Water Stock Surge.

106. Pg. 1108. The Record. Aug. 24, 1999. French Buyer Taking over United Water.

107. Pg. 1110. The Record. July 20, 1999. Top lawyer filed suit over Sewage in Basement.

108. Pg. 1111. The Record. Aug. 19, 1999. Take jail from Sheriff, Consultant Says: Freeholders get Report on Police Efficiency.

109. Pg. 1113. The Record. June 22, 1999. Municipal Prosecutor Flap Escalates. Court asked to stay curbs on private work.

110. Pg. 1115. Tiger in the Court, by Paul Hoffman. Playboy Press, published 1973. List of Federal, State, and Local Public Officials and Political Leaders Indicted or Prosecuted by Federal Authorities in New Jersey.

111. Pg. 1117. Moretti to American Transfer Moving System, April 19, 1999.

112. Pg. 1118. Excerpts from Brief by Moretti with respect to Hackensack Municipal Case presented to Judge Louis J. Dinice, from Sept. 2, 1992 to Dec. 3, 1992.

113. Pg. 1124. Motion for Reconsideration - Certification by Moretti, Nov. 30, 1999, F-7502-98, Supreme Court No. 48,551.

114. Pg 1127. N.J. v. Robert F. Clark, 735 A2d. 1, (N. J. Appellate Div. 1999)

115. Pg. 1129. N. J. v. Clark, Decided Jan. 19, 2000, 2000 WL 36909

116. Pg. 1130. United States of America v. 141st Street Corporation, by Mark Hersh, Managing Agent of the defendant in Rem, Appellant, 89-6268, U. S. Ct. of Appeals, Second Circuit.

117. Pg. 1143. Oct. 1, 1990. Moretti to Lawrence Manning, Building Inspector. In re 387 Park St., Hackensack, Bl. 418, Lot 24. Application to Construct Building. Architect - Rodriguez.

118. Manning to Moretti, Oct. 31, 1990. Proposed three story retail/office building.

119. Pg. 1147. SR-1A Form filed in the Bergen County Tax Board with respect to the sale from Dr. Cocoziello c/o Associated Buildings, 260 South Summit Ave., Hackensack, of the 72 unit apartment house at 370 Park St., Hackensack. Sale to Frank G. Alster, 377 Park St., Hackensack, N.J. Building was assessed for $3,108,000 but sold to Alster for no consideration, due apparently to the difficulties of operating the building. Note the reported decision of the arrest of Jones in the building for narcotics violations.

120. Pg. 1148. Order to Show Cause allowing Bernard Fayehun to resume occupancy of 390 Park Street, Hackensack, (despite failure to pay rent - due apparently to attacks by Osuji)signed by Judge Ellen Koblitz Nov. 12, 1993, Bernard Fayehun v. Salvatore Moretti, LT-9533-93, despite the fact that Judge Koblitz is the presiding Judge of Special Civil Part, and the single family house is exempted from jurisdiction of the Special Civil Court under the N. J. eviction statute.

121. Pg. 1150. Tax Assessor's Notice to Salvatore Moretti with respect to the assessment of the boarded up apartment house at 391-

395 Park St., Hackensack, Block 418, Lot 22 and 23. Total assessment equal to $380,800.

121. Pg. 1151. Information Subpoena, Moretti v. Dinice and Sullivan, seeks $8,496.09 due to filing of lawsuit with respect to constitutional violations by the defendant judges.

122. Pg. 1152. Proposal to purchase property. Sept. 28, 1989. Purchaser - Dr. Alex Cocoziello. Purchase Price - $975,000. Property - 391-395 Park St., Hackensack.

123. Pg. 1154. Clerk of the Supreme Court, Mark Neary to Moretti, Feb. 17, 2000, in re 391-395 Park Equities v. Moretti et al, Stated that papers dated Feb. 11, 2000 were not filed. "Please be advised that the submission of any additional papers to this Court seeking relief in respect of this property may subject you to sanctions."

124. Pg. 1155 Administrative Office of the Court to Moretti, March 23, 2000

125. Pg. 1156. Supreme Court of N. J. Mark Neary to Moretti Feb. 17, 2000 in re 391-395 Park Equities v. Moretti et al, Stated that papers dated Feb. 11, 2000 were not filed. "Please be advised that the submission of any additional papers to this Court seeking relief in respect of this property may subject you to sanctions."

126. Pg. 1157. John Wallace to Moretti, March 17, 2000. Motion for Summary Judgment. United Water v. Moretti, BER-L-4114-98.

127. Pg. 1162. Brief filed by Attorney General of N. J. seeking dismissal of Moretti v. United Water Resources, City of Hackensack, and State of N.J., Supreme Court Docket No. 49,242, dated March 2, 2000.

128. Pg. 1174. Resume of Salvatore Moretti

129. Pg. 1175. Photo of Moretti's Renault after ax attack at Park Court Apartments.

130. P. 1183. Oct. 3, 1992 Article on Susan Stedtler's Cocaine Arrest at Newman street apartments.

131. P. 1184. Jan. 31, 1992 Michael Mordaga arrested Eric Winfield in 395-D Park Street apartment of Susan Stedtler for Cocaine possession.

132. P. 1184a. Leo R. Jones and Lonzie Collier Jr. and Dwight Medley Indictment for Heroin Possession, Indictment S-603-90, Apt. 112, 370 Park St. [Park Plaza, now called Cadillac Manor] Hackensack on Oct. 17,1989 by Michael Mordaga.

133. P. 1188. Break-In by Hackensack P. O. Morrissey into Apt 395-B on June 14, 1992. Apartment of Edwina Alexis, and Hearing before Judge Isabel Stark.

134. P. 1193-1197. Photo Exhibit. Pager 1197 shows House at 111 Passaic Street after fire destroyed the house on March 10, 1978.

135. P. 1198. Dr. Cocoziello to LJL Realty. 421 A Hudson Street, Hackensack.

136. P. 1199. Dr. Cocoziello to Francisco Apartments.

137. P. 1200. Dr. Cocoziello to Frank G. Alster, 377 Park Street Hackensack, N.J. Sale of Park Plaza, 72 units, after arrest on the site of Leo Jones et al. [Index no. 6 herein].

138. P. 1201-1206. Letter by Moretti to City Manager Squillace, dated July 26, 1977. Complaining of disturbances at 111 Passaic St., a boarding house, which Hollis was informed of.

139. P. 1207. Hackensack Health Officer Complaint as to water, May 14, 1992.

140. P,. 1208. Hackensack Complaint file in municipal court by Moretti against Killian N. Osuji, dated June 28, 1993.

141. P. 1214. Water shut off notice posted by United Water on doors at Park Court Apts., 391-395 Park St., Hackensack, twenty unit apartments owned by Moretti.

142. P. 1215-1235. Moretti v. Hollis Deposition.

143. P. 1236-1242. Supreme Court District Ethics Committee on Hollis - (a.k.a. -Holopigian) - Suspension of law License. April 3, 1980.

144. P. 1243-1248. Prosecutor Bissell and Forfeiture, Dec. 23, 1996. N. J. Law Journal.

145. P. 1249. State v. Florez, 1991 Case. Deals with Cocaine and informant's name being withheld.

146. P. 1250. State v. Grubb. [1999 Case] Deals with C.D.S. arrest of P.O. for possession in Middlesex County

147. P. 1252. Moretti v. United Water, State of New Jersey, City of Hackensack. Brief Ber-L-5678-97. Procedural History at 1260; Statement of Facts at 1261.

148. P. 1270. Dismissal of Ber-L-5678-97 by Judge Isabel Stark. Richard Salkin, Esq. Drafted order October 13, 1998.

149. P. 1292. July 19, 1997 11 a.m. complaint filed with Hackensack Police Department. Thefts of air conditioners and break-ins at 391

Park St, Hackensack.

150. P. 1294-1300. Sheriff Jack Terhune, Sheriff's Sales in Bergen, 8/22/97 to 9/17/98.

151. P. 1301. United States District Court, Newark. John W. Bissell. Order of Dismissal of case - Moretti v. United Water of New Jersey, City of Hackensack, and State of New Jersey

152. P. 1304. United States Bankruptcy Court, Newark. Novalyn L. Winfield, Order of Dismissal of Bankruptcy Petition filed by Moretti, In re Salvatore Moretti.

153. P. 1312. Transcript of Proceedings before Judge Lawrence Smith. DJ-11274-05, Moretti v. Hackensack Water Co. Judgment received in favor of water co. Judge Koblitz's judgment of $6,655.11. P. 1327 - April 2. P. 1356 - April 4. P.M.O.'s of $2,000 delivered to water co. - P. 1376.

154. P. 1379. Letter Brief to Judge Stark, Arson for Profit etc., Ber-L-5678-97. 2/20/98. P. 1379. 2/10/98 - P. 1388. 7/3/97 - P. 1391. 7/4/97 - P. 1404.

155. P. 1448. April 2, 1997 Unsafe Structure Notice placed at 391-5 Park St., Hackensack.

156. P. 1451. Order Drafted by Moretti requiring United Water to receive in court payment of $6,694.11 pursuant to Judge Koblitz's decision. DJ-111274-95. Order denied by Judge Lawrence Smith dated 4/1/97.

157. P. 1453. Record article - Apartments Condemned. Dated April 5, 1997.

158. P. 1454-1532. Photo Exhibit and Index

159. P. 1533. Osuji Police Report w.r.t. Barnard Fayehun, dated 6/19/93.

160. P. 1535-1536. Bank loans rejected by Fleet Bank and Chase.

161. P. 1537. James LaCava, City Manager. Notice of Park Street sweep of 20 properties, May 1, 1997.

162. P. 1538. Comparable Water uses in apartment houses, provided to Judge Dinice in Hackensack Municipal Court.

163. P. 1538-1539. Resolution 260, dated August 17,1992, by City of Hackensack with regard to water account at Park Court Apartments.

164. P. 1544. Office of Administrative Law Decision, P.U.C. 07022-95, dated Nov. 20, 1996. Jeffrey A. Gerson, A.L.J.

165. P. 1547-1549. Fire Notice by Carucci, dated April 3, 1997.

166. P. 1554-1560. Interrogatories served on John Wallace for O.A.L. hearing. Vague answers by Wallace which were uncertified shown at p. 1561.

167. P. 1562. Brief by Salkin to Dismiss Case, Moretti v. United Water, et al. BER-L-5678-97.

168. P. 1567-1577. Patrick DeAlmeida brief to dismiss BER-L-5678-97 10/20/98.

169. P. 1578-1610. Appraisal Report on behalf of City of Hackensack on Apartment Building at 391-5 Park St., Hackensack by Mason - Donald Helmstetter, dated October 6, 1981.

170. P. 1611-1620. Response by Moretti to Hackensack Appraisal for Tax Purposes.

171. P. 1621-1629. Melvin Gittleman's Brief, A-3525-82T2, Moretti v. City of Hackensack. Tax Court Appeal. Signed by Steven Muhlstock, Esq.

172. P. 1630-1638. Jan. 13, 1995 Brief filed by Moretti with Judge Peter Pizzuto, J.T.C., Motion to Dismiss - case docket no. 8336-93. Block 418, lots 22, 23, and 24.

173. P. 1639-1672. Transcript of Tax Court Motion, Docket No. 9475-95. Proceeding on June 10, 1996.

174. P. 1673. Complaint drafted by Edward Evans, Esq., ROR v. Gutterman, Musicant, & Kreitzman, Inc., C-545-79.

175. P. 1677. ROR v. Jademar Industrial, Appellate Division Decision, A-3609-78 [April 28, 1980. Reversed trial court dismissal.]

176. P. 1681. Bergen County Tax Board hearing. Transcript before Judge Salvatore M.Banca, Oct. 17, 1980, Stephen Moses appearing for Hackensack.

177. P. 1692. Bergen County Tax Board Hearing. Oct. 17, 1980. Hyman Chait house at 111 Passaic St., Hackensack burned down March 10, 1978, Chait wants tax reduction.

178. P. 1698-1743. Transcript of Chancery Court Proceeding. Moretti v. Multi-Pak, Ror v. Friendship House, ROR v. Gutterman-Musicant-Kreitzman.

179. P. 1744. Order by Third Circuit Court of Appeal. Affirming U.S. District Judge Harold A. Ackerman Decision. Feb. 10, 1994. U. S. District Court no. 92-4206 (HAA); 93-5416.

180. P. 1745. Judge Ackerman's Order of Dismissal 92-4206 (HAA) May 6, 1993.

181. P. 1747-1757. Appellate Division - Summary Judgment, Moreti v. Hackensack Water Co, June 21, 1'994, Koblitz's decision, $6,655.11

182. P. 1759. Appellate Division, A-3525-82T3, Order Filed Feb. 9, 1984. Tax Appeal from Judge Ever's Decision. P. 1762-1763.

183. P. 1765. Order filed w.r.t. Friendship House, March 30, 1981, (s) James J. Petrella, Order submitted by Losche and Losche

184. P. 1766. Order filed w.r.t. Multi-Pak Corp., Sept. 24, 1980. Order submitted by Stephen J. Moses, Esq.

185. Order filed w.r.t. Mutli-Pak Corp., March 27, 1981, Order submitted by Kimmelman, Wolff, & Samson, Esqs., (s) James J. Peterlla

186. P. Order submitted by Greenstone & Sokol, ROR v. Gutterman-Musicant-Kreitzman, and ROR v. Friendship House, C-545-79, March 27, 1981. Case Dismissed. (s) James Petrella.

187. P. 1772-1788. Oral decision by the Chancery Court of Bergen County. 1981 ROR v. Multi-Pak et al.

188. P. 1789-1791. Appellate Division review of the three cases, Friendship House, A-3801-80T1; Multi-Pak, A-3797-80T1; Gutterman-Musicant-Kreitzman, A-3806-80T1.

189. P. 1792. Order dated Aril 4, 1985. D.J. Fredericks sale of 387 Park St., Hackensack, former Friendship House half-way house.

190. P. 1794a. Gutterman-Musicant-Kreitzman's refusal to convey 387 Park Street to Moretti.

191. P. 1795. Hackensack block and lot maps.

192. P. 1797. 1991-1995 Hackensack Lawyer's Diary Listings of Hackensack officials.

193. P. 1800. Moretti v. Edwina Alexis and Hackensack Police and Fire Departments, Trial before Judge Isabel Stark, Appellate Division No. A-2934-92T2, Order affirming trial court dated November 15, 1993.

194. P. 1801. Payment Tally for water usage by the United Water Resources/Hackensack Water Co. w.r.t. Moretti apartment house account.

195. P. 1802. 1991 Real Estate Tax Bill in Hackensack

196. P. 1803. Letters from Moretti to Hackensack Water Cop., Aug.

1991, Oct. 20, 1991, Nov. 9, 1991, Jan. 16, 1992.

197. P. 1809. List of cases filed in order to operate Hackensack apartments, provided to Judge Pizzuto, N. J. Tax Court, Case No. 8336-93.

198. P. 1812. Notices w.r.t. Tenants of Park Court Apartments, 391-5 Park St., Hackensack. Beavers [1812]; Lisa Lee; Susan Stedtler; Prime Rentals; Milton Carter; Greg and Angela; Paula Price; Loretta Aquanetta.

199. P. 1821. Jan. 14, 2000. Moretti v. United Water, City of Hackensack, State of New Jersey, A-1901-98T2.

200. P. 1823. Feb. 24, 2000. Letter by Moretti to District Court and Third Circuit Court of Appeal w.r.t. Moretti v. Dinice case: 93-528 (JCL) - Judge Lifland. Law Firm of Zimmerer, Murray, Coyngham; representing Dinice.

201. P. 1826. Synopsis of State of New Jersey v. Kittrell case. Newman Street apts.

202. February 27, 2000 letter by Moretti to District Court and Third Circuit w.r.t. Moretti v. Dinice case.

203. P. 1835. Synopsis of New Jersey v. Leo R. Jones, Appellate Division 1994. Heroin arrest at 370 Park Street Hackensack, 72 unit building owned by Dr. Cocoziello.

204. P. 1839. New Jersey v. Leo R. Jones, Supreme Court reverses Appellate Division.

205. P. 1841. Forcing of Steel Doors

206. P. 1842. Osuji. Case.

207. P. 1844. Oct. 1, 1990.Moretti to Manning, Hackensack Building Inspector, Architectural Rendering with respect to proposed building to be constructed at 387 Park Street, Hackensack.

208. P. 1845. Manning to Moretti. Site plan by Marta Rodriguez does not comply with city zoning.

209. P. 1847. Manning to Moretti. Details of the deficiencies of the proposed structure compared to Hackensack zoning.

210. P. 1850. Proposal to Purchase 387-391-395 Park St., Hackensack Apts by Dr. Alex Cocoziello for $975,000 Sept. 28, 1989.

211. P. 1852. Written Opinion filed by Judge Harold A. Ackerman, U. S. District Court No. 92-4206 (HAA). Case of Salvatore Moretti v. Mayor John Zisa and the Hackensack City Council, et al.

212. P. 1885. Moretti v. Sate of N. J. et al., 93-5577 (JWB - Bissell), Brief filed on behalf of State of N. J. and Ellen Koblitz. Deborah Poritz, Attorney General. Jan 28, 1994. Filed by Patrick DeAlmeida

213. P. 1893. Moretti v. State of N.J. et al., 93-5577 (J.W. Bissell), Feb. 11, 1994 Brief filed on behalf of Henry Amoroso, Prosecutor of Hackensack.

214. P. 1899. Moretti v. State of N.J. et al., 93-5577 (JWB) Feb. 17, 1994. Brief filed on behalf of Bergen County Prosecutor John Fahy by Murshell Bland, County Counsel.

215. P. 1904. Per Curiam Opinion by Appellate Division of the Superior Court, Moretti v. Hackensack Water Co., A-5696-92T3. Filing Date Appellate Division, June 21, 1994.

216. P. 1915. Per Curiam Opinion by Appellate Division of the Superior Court, Moretti v. City of Hackensack, A Municipal Corporation of the State of New Jersey, A-3525-82T3, Filing Date Appellate Division Feb. 9, 1984.

217. P. 1918. Complaint with Jury Demand, **Salvatore Moretti v. Mayor John Zisa and the Hackensack City Council; George Diana and the Hackensack Board of Adjustment; Patricia Farlie and the Hackensack Health Department; Richard Carucci and the Hackensack Fire Department; C. Morrissey and the Hackensack Police Department; Henry Amoroso - Hackensack Prosecutor; Hackensack Water Co.; G. Thomas Gentile; and Gutterman-Musicant, Inc**. Case No. 92-4206 (HAA) Filed October 6, 1992). Civil Rights Complaint.

218. P. 1968. Civil Docket For Case # 92-CV-4206, U. S. District Court, District of Newark, Moretti v. John Zisa et al.; Judge Harold A. Ackerman; Demand $164,000; Jury Demand: Both; Nature of Suit: 440; Jurisdiction, Federal Question.

219. P. 1974. Service List for the U. S. Court of Appeals for the Third Circuit, No. 93-5416, Appeal from N. J. District Court Civil No. 94-04206

220. P. 197. Complaint with Civil Cover Sheet, United States District Court, Salvatore Moretti v. Louis J. Dinice and Timothy J. Sullivan, Civil Rights Complaint filed Feb. 1, 1993 in Newark, Federal District Court.

221. P. 2060. Complaint with Civil Cover Sheet, United States District Court, Case No. 93-5577, Salvatore J. Moretti v. State of

New Jersey, Ellen Koblitz and the Public Defenders Office of Bergen County, Bergen County Prosecutor John Fahy, Hackensack City Prosecutor Henry Amoroso, Filed Dec. 16, 1993.

222. P. 2104. Opinion, Case of **Salvatore J. Moretti v. State of New Jersey, Ellen Koblitz and the Public Defenders Office of Bergen County, Bergen County Prosecutor John Fahy, Hackensack City Prosecutor Henry Amoroso,** March 7, 1994.

223. P. 2128. Order Dismissing for failure to state a cause of action against Amoroso and Fahy, **Moretti v. State of New Jersey, Koblitz, Fahy, Amoroso, et al**. District Court No. 94-6347, by Judge John W. Bissell, June 12, 1995.

224. P. 2129. Dec. 14, 1992 Letter - Moretti to Al Moore, Ombudsman, Bergen County Jail Annex, 160 South River Street, Hackensack, N. J. 07601, re Visit to Stedtler at Jail Annex on Dec. 12, 1992 and rejection of visit by then Capt. Duffy and Lt. Cappole cc.: to Sheriff Terhune and Bergen County Prosecutor Fahy.

225. P. 2130. Certification in re State of N.J. v. Stedtler, Indictment No. S1642-92, Certification by Bail Sponsor Salvatore Moretti, dated Dec. 10, 1992 by Salvatore Moretti

226. P. 2140. Moretti to Hon. John C. Lifland, United States District Court, U. S. Courthouse and Post Office Building, Newark, N. J. 07102, in re **Moretti v. Louis J. Dinice, and Timothy J. Sullivan,** 93-cv-528 (JCL) dated Aug. 24, 1993.

227. P. 2144. Moretti to Hon. Peter Pizzuto, J.T.C., 125 State St., Room 108, Hackensack, N., J. 07601, in re **Moretti v. City of Hackensack,** Docket No. 833693, Block 418, Lots 22, 23, 24. Dated Nov. 4, 1994.cc.: Donald J. Lenner, Esq. and Municipal Tax Assessor.

228. P. 2145. Preliminary Income Approach to Value; Real Property Appraisal of Parcel One (Block 418, Lot 22 & 23) and Parcel Two (Block 418, Lot 24) as of Oct. 1992 submitted by Property Owner Salvatore Moretti. Date of Report - Nov. 5, 1994.

229. P. 2153. Salvatore Moretti to Donald J. Lenner, Esq. 286 Union Street, Hackensack, N. J. 07601, in re Refusal to Answer Interrogatories, Case No. N. J. Tax Court 833693. Certified Mail No. P887 136 714.

230. P. 2155. Certification by Salvatore Moretti in Support of Order Compelling Production of Documents by the Taxing Authority, Etc.,

Tax Court of N. J. No. 8336-93. Date: Nov. 14, 1994.

231. P. 2162. Salvatore Moretti to Donald Lenner, Esq. 286 Union St., Hackensack, N. J. Certified Answers to Interrogatories, in re Expenses at Apartment House 391 Park St., Hackensack, Bl. 418, Lots 22 & 23. N. J. Tax Court No. 8336-93. Date: December, 1994.

232. P. 2170. Dec. 31, 1994. Salvatore Moretti to Hon. Peter D. Pizzuto, J.T.C., 125 State St., Room 108, Hackensack, N.J. 07601, (& to Donald J. Lenner, Esq. attorney representing taxing district, City of Hackensack), Motion return date January 6, 1995. Continuance of motion to impose restraints on collection of taxes on Bl. 418, Lots 22 & 23 by City of Hackensack. Oral Argument Requested.

233. P. 2176. Feb. 2, 1995. Salvatore Moretti to Hon. Peter D. Pizzuto, Judge N. J. Tax Court, 125 State St., Rm 108, Hackensack, N. J. 07601, Motion including with above demand request that all properties owned by petitioner on Park street be joined including the two apartment buildings, the vacant lot, and the house at 387 Park St., Hackensack, N.J. Feb. 2, 1995.

234. P. 2181. Feb. 7, 1995. Emergent Appeal to Appellate Division, Salvatore Moretti to Hon. Ariel Rodriguez, Judge Appellate Division, Brennan Courthouse, 583 Newark Ave., Jersey City, N. J. 07306, in re Appellate Division Appeal from determination by the N. J. Tax Court, No. 8336-93, which states: "The tenants therein are all in danger of being evicted, in that over twenty five evictions have occurred due to high rents reflecting a half-million dollar increase in the assessment of plaintiff's real property." Cc.: to Donald J. Lenner, Esq.

235. P. 21 2183. Feb. 11, 1995. Salvatore Moretti to Margaret M. Richardson, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224. In re Unconstitutional Assessment of real property, in view of Internal Revenue Letter Ruling 8639049 - June 30, 1986.

236. P. 2185. Feb. 14, 1995. Salvatore Moretti to Hon. Harold A. Ackerman, U. S. District Court, Martin L. King, Jr. Federal Bldg., Newark, N. J. 07102, in re **Moretti v. City of Hackensack** District Court Case No. 92-4206 (HAA) in view of prior decision by Judge Ackerman with respect to availability of tax appeal to the State Tax Court. Cc. To Scott Topolski, Esq. (representing City of Hackensack taxing district before the Federal District Court) and Donald Lenner

Esq. (representing City of Hackensack taxing district before the State Tax Court).

237. P. 2188. Sept. 14, 1995 Letter by Salvatore Moretti to Bergen County Tax Board, Court Plaza South, 21 Main St., Hackensack, N. J. 07601, and to Arthur Carlson, Hackensack Tax Assessor, City Hall, Hackensack, N. J. 07601, in re Moretti v. City of Hackensack, Tax Court No. 8336-93, Appellate Division No. A-4913-94T2. Letter concerns County Tax Board Appeal #23-9500109 (Bl. 418, Lots 22 & 23), App. #23-9500110, (Bl 415, Lot 8.b); and App. #23-9500111 (Bl 418, Lot 24). Letter states that receipt of property record card on Sept. 10, 1995 showed that 387 Park Street, Hackensack is listed on the property record card as a two family, when the house is a one family, since there is only one kitchen

238. P. 2196. Jan. 19, 1996. Salvatore Moretti to Tax Court of New Jersey, Docket No. 9479-95, Moretti v. City of Hackensack, Certification in support of motion for temporary restraints on taxing district, Bl. 418, lots 22, 23, & 24, and Block 415, Lot 8b., cc. To Donald J. Lenner, 286 Union St., Hackensack, N. J. 07601

239. P. 2200. Feb. 27, 1996. Salvatore Moretti to Tax Court of New Jersey, Docket No. 9479-95, Moretti v. City of Hackensack, Certification in support of motion for temporary restraints on taxing district, Bl. 418, lots 22, 23, & 24, and Block 415, Lot 8b., cc. To Donald J. Lenner, 286 Union St., Hackensack, N. J. 07601

240. P. 2203. Nov. 8, 1997. Salvatore Moretti to Julie Ferenczi, Hackensack Department of Community Affairs, Hackensack City Hall, 65 Central Ave., Hackensack, N. J. 07601, and to the City Clerk of Hackensack, letter in response to a complaint filed by Julie Ferenczi - abandonment of structures at 391-395 Park St., Hackensack, N. J. Enclosed with letter to Ferenczi is the second amended Federal Complaint, U. S. District Court No. 97-1742.

241. P. 2204. Nov. 9, 1997. 07601

242. P. 2203. Nov. 8, 1997. Salvatore Moretti to Julie Ferenczi, Hackensack Department of Community Affairs, Hackensack City Hall, 65 Central Ave., Hackensack, N. J. 07601, and to the City Clerk of Hackensack, letter in response to a complaint filed by Julie Ferenczi - abandonment of structures at 391-395 Park St., Hackensack, N. J. Enclosed with letter to Ferenczi is the Oct. 28, 1997 mailing to the U. S. Court of Appeals for the Third Circuit Letter states that "the four

hundred page [405 page] long motion is sufficiently complete for you to evaluate why I believe the inspections conducted by the state/city of Hackensack failed to identify the nature of the problem as clearly set forth in this party's moving papers.

243. P. 2205. Jan. 30, 1998. Salvatore Moretti to Joel Harris, Health Dept., 215 Second St., Hackensack, N. J. in re parking at 387-391-395 Park St., Hackensack of brown 2-door Ford, Black 2-door Datsun, Silver 4 door Buick Skylark, black 4-door Chevrolet, and blue 4-door Buick Century.

244. P. 2207. March 25, 1998. Salvatore Moretti to Eugene Duffy, Department of Community Affairs, Hackensack City Hall, 65 Central Ave., Hackensack, N. J. 07601 in re testimony of Julie Ferenczi before the Elmwood Park Municipal Court on March 25, 1998, in which she stated she attended high school in Hungary, graduating in 1965, and her only training was as a barber; she came to this county and was hired as a building inspector by the City of Hackensack in 1991. Moretti was fined as a result of the testimony, and imprisoned by the Elmwood Park Judge, Anthony D. Cippolone. Judge Cippolone is listed the N. J. Lawyers Manual as the Hackensack Planning Board Attorney, thereby proving that he was in a conflict position and should not have been assigned to hear the case after the Hackensack municipal judge recused himself due to his conflict of interest since he was currently in litigation against Salvatore Moretti.

245. P. 2209. March 25, 1998. Salvatore Moretti to Advisory Committee on Judicial Conduct, Administrative Office of the Courts, Hughes Justice Complex, 25 West Market St., Trenton, N. J. 08625, in re Elmwood Park Municipal Judge Anthony D. Cippolone - conduct of trial on March 24, 1998 despite conflict since Cippolone was also the Hackensack planning board attorney and the matter before him involved planning ih Hackensack.

246. P. 2210. April 21, 1998. Salvatore Moretti to Anthony D. Cippolone, Elmwood Park Municipal Curt, Municipal Building, 180 Market St., Elmwood Park, N. J. 07407, in re Conflict of Interest as lawyer for the Hackensack Planning Board and Judge in the case involving Salvatore Moretti and property at 391 Park St., Hackensack.

247. P. 2212. Sept. 3, 1997. Salvatore Moretti to Clerk, U. S. Court of Appeals for the Federal Circuit, 717 Madison Place, N.W., Washington, D. C. 20439. In re Salvatore Moretti v. United States of

America, U. S. Court of Appeals for the Federal Circuit, Docket No 97-249T, Motion to Restore Utilities at Petitioner's Real Property at 391 Park St., Hackensack, N., J. and Motion to prevent Sheriff's Sales. Cc. Justice Department, United States, Washington, D. C.

248. P. 2271. April 13, 2000. Salvatore Moretti to Administrative Office of the Courts, Hughes Complex, Trenton, N. J., and to Bergen County Prosecutor's Office, Bergen County Justice Center, 10 Main St., Hackensack, and to Sheriff's Office, Bergen County Justice Center, 10 Main St., Hackensack, in re United Water New Jersey v. Salvatore Moretti Ber-L-4114-98, Motion for Summary Judgment - Returnable Apr 14, 2000; related case **391-395 Park Equities v. Salvatore Moretti, Hackensack Water Co., Mayor John Zisa, Louis J. Dinice, and Henry Amoroso**, F-7502-98.

249. P. 2274. List of Contributors to the Elections of the Hackensack City Council, and the Assembly for the 37t^{h} District. At 2274 is shown the R-1 Contributions Report for the 1997 Hackensack Municipal Council Election, at which John "Jack" Zisa, Mark Stein, Roger Mattei, Donald Trammell, and Jesus Galvis, ran unopposed for the city council. At page 2277 is shown Form R-1 filed Dec. 7, 1995 with the N. J. Election Law and Enforcement Commission, Report of Contributions and Expenditures, on behalf of Charles "Ken" Zisa, who was elected to the New Jersey Assembly for a Two year Term representing the 37th District. At page 2286 is shown the report of Jay Alpert, Hackensack police officer, who ran for Sheriff and lost to Ciccone. At p. 2288 is shown the report for the Fund for Loretta Weinberg - Charles "Ken" Zisa, the report certified accurate on October 1, 1998 by the campaign treasurer.

250. P. 2290. Julie Ferenczi, City of Hackensack, Dept. of Community Affairs, Division of property Maintenance Inspection, Hackensack City Hall, 65 Central Ave., Hackensack, N. J. 07601, to Salvatore Moretti, P. O. Box 1306, Canal Street Station, New York, N. Y. 10013-0876. Re: 391-395 Park Street Vacant/Boarded Up Multiple Dwelling. City Ord. No. 1-96. Chapter 3. Section PM-301.0 & PM-302.0 Paragraph PM-301.3 Public Nuisance #7. States NOTHING has been done to abate violations cited in our notice of March 30, 2000.

251. P. 2291. Julie Ferenczi, Senior Housing Inspector for City of Hackensack, Notice by Regular Mail and Certified mail. Dated

March 30, 2000. Provide cleanup of property at 391-395 Park St., Hackensack, N.J.

252. P. 2292. Record, April 12, 2000. Asset forfeiture rules being tightened.

253. P. 2293. New York Times: June 25, 1999. H.R. 1658 Passed by House of Representatives in Washington.

254. P. 2295. Bill Summary and Status for the 106th Congress. H. R. 1658 became Public Law No. 106-185 signed by President Clinton April 25, 2000.

255. P. 2297. Civil Asset Forfeiture Reform Act of 2000.

256. Report to the House of Representatives on the Civil Asset Forfeiture Reform Act, June 18, 1999.

257. P. 2374. American Civil Liberties Union. Abuses of the Civil Asset Forfeiture Reform Act.

258. P. 2383. April 27, 2000. Salvatore Moretti to Supreme Court of New Jersey. Brief. Docket No. 49,242.

259. P. 2389. Index to Documents 1-214, Pages 1a to 1899 of the Supplemental Materials.

260. P. 2400. Nov. 3, 1995 Record Article. Editorial. Weinberg Endorsement: No Endorsement for Charles "Ken" Zisa, Hackensack Police Chief, due to an ordinance prohibiting Hackensack police officers from running for political office. The Record states "the problem is a Hackensack city ordinance, which states that, "Members of the Department of Police are positively prohibited from active participation in politics..."

261. P. 2409. April 27, 2000 Letter-Brief to the New Jersey Supreme Court, Salvatore Moretti v. United Water Resources, Inc., City of Hackensack, and State of New Jersey, Docket No. 49,242.

262. P. 2414-2444. Selection of R-1 Contribution Reports. Source is the N. J. Election law Enforcement Commission. The Reports are certified by the Campaign Treasurers and were supplied during the Hackensack city council election of 1997(involving John "Jack" Zisa, and the District 37th Elections (involving Charles "Ken" Zisa, from 1995 to 1999.

263. P. 2445-2449. May 25, 2000 Letter to Bergen County Prosecutor's Office, Sheriff's Office, Superior Court (BER-L-4114-98, United Water v. Moretti), & Hackensack Municipal Court - Louis Dinice). Containing Index to Documents 1- 261, pp. 1a-2444,

Deed T Performance to Reynolds, at p. 2465, with Chase Mortgage as Mortgagee, Hackensack Code Section 32-34 - 8 Political actions and Hackensack police at 2477, Election contribution reports at 2478-2505, Cubby's & Egan v. City of Hackensack Document List at 2506-2511, News Items from 2511-2519, N.J.A.C. 4A:10-1.2 Political Activity of Civil Service Employees at 2520, Conflict of Office Holders with more than one office, 2523-2584.

264. P. 2585-3141. June 2, 2000 Letter to Bergen Cty. Prosecutor's Office, Sheriff's Office, Superior Court, & Hon. C. Eugene Godlesky, South Hackensack Municipal Court transferred from Hackensack Municipal Court of Ferenczi and Fire Report Complaints on 391 Park St., Hackensack. P. 2589. May 31, 2000 Record Article on Promotion of Frank Zisa Jr. from Bureau of Criminal Identification to Deputy Police Chief. Police Chief is Ken Zisa. Mayor is John Zisa. P. 2590 6/1/2000 LaCava & Criticism of Promotion. Political Contribution Reports at 2591-2628. P. 2629 - 12/1/78 Notice by Salvatore Moretti as to Dept. of Transportation hearings Aug. 3, 1978 P. 2630-2655 - 12/18/78 Park Street Block Association Newsletter. P. 2641-2648 Hackensack Apartment Owners Newsletters, May 16, 1979, etc. P. 2656-3141 - Transcript of Proceedings Chancery Court of Bergen County, C-2541-78, Moretti & ROR v. Multi-Pak, C-4640-78, ROR v. Friendship House, C-545-78, ROR v. Gutterman, Musicant & Kreitzman Funeral Parlor, James J. Petrella Presiding.

265. June 3, 2000. P. 3142-3277 Letter to Bergen County Prosecutor's Office, Bergen County Sheriff's Dept., Superior Court of New Jersey (BER-L-4114-98 United Water v. Moretti), & C. Eugene Godlesky, South Hackensack Municipal Court (SC 2000 001566). Julie Ferenczi notice dated May 26, 2000. Selections from the Hackensack Apartment Owners Newsletters 3145-3183 including campaign literature including Robert Holopigian (Hollis), etc. P. 3184 Complaint Moretti v. Multi-Pak dated January 10, 1980 filed with Hackensack Municipal Court, P. 3192-3198 Photos of Multi-Pak marked before N. J. Tax Court, Judge Evers, P. 3198-3221. Hackensack municipal trial before judge Joseph Zisa State v. Gutterman-Musicant-Kreitzman and Multi-Pak, Feb. 13, 1980. P. 3222 U. S. Dept. of Labor O.S.H.A. report dated Nov. 14, 1978 w.r.t. Multi-Pak. Deposition of James O'Rourke, Sept. 30, 1980 Chancery C-2541-79.

266. June 6, 2000 P. 3278-3295 Letter to Bergen County Prosecutor's Office, Sheriff's Office, & Superior Court containing Contracts for Sale of Real Estate H & L Managment & Four R Investments.

267. P. 3296-3674 June 15, 2000 Letter to Bergen County Prosecutor's Office, Bergen County Sheriff's Office, & Superior Court of N. J., and Hon. Irving Aronin, Supreme Court of New York, Moretti v. Citibank, 2727-96 Robbery of Tenant's Rents at Citibank Aug. 8, 1994. P. 3299 Fire Code Violations. P. 3300-3432. Appeal to Bergen County Board of Taxation, Aug. 14, 1981 391-395 Park St., Hackensack. P. 3433. Jan 23, 1979 Moretti to Oritani Savings & Loan Mortgage No. 5847 Expiration April 1, 1979. P. 3435-3437 Park Street Block Association & Homeowners' Newsletters, P. 3438 - Feb. 12, 1979 Letter to Roger Breslin Jr., Bergen County Prosecutor's Office w.r.t. Arson at 111 Passaic St., Hackensack, P. 3439-3442. Feb. 12, 1979, etc. Letter to Hollis, and Court about Filing of Complaints in Superior Court, Multi-Pak, etc., P. 3443-3447 D.O.T. Hearings, etc. P. 3448 March 6, 1979 Report to Police about Vandalism at Park Court Apartments, P. 3449 Loan Expiration Oritani to Moretti March 6, 1979, P. 3450 Moretti to Roncati w.r.t. Hollis. P. 3451 March 7, 1979, Hackensack Homeowners Newsletter, P. 3452 March 10, 1979 - Moretti to Roncati w.r.t. Hollis, P. 3456 Fireman to Moretti Labor Relations and the Fire Dept., P. 3457 Letter dated March 21, 1979 from Theodore Trautwein, Assignment Judge of Bergen County to Moretti, stating "I deeply resent the tone and quality of your demands set forth in your letter" and concluding "you are advised to discontinue writing and calling the court or its staff ex parte. P. 3459 March 27, 1979 Oritani Savings to Moretti w.r.t. Loan 5847. P. 3460 Aug. 16, 1977 Moretti to Squillace as to 111 Passaic Street and barking dog. Carlos Peay Esq. Interoffice communications as to 381 Park St. Variance - Jademar March 20, 1979, Deposition Moretti v. Hollis Case, L-48567-79, April 27, 1982, Edward Evans Esq. P. 3464-3674 including marked exhibits showing payment of $23,156.74 to Evans by Moretti for legal representation in the cases Hollis, former attorney for Moretti, failed to file and serve in the Superior Court of Bergen County.

268. P. 3675-4482. June 21, 2000 Letter to Bergen County Prosecutor's Office, Bergen County Sheriff's Office, & Superior Court of N. J., and Hon. Irving Aronin, Supreme Court of New York,

Moretti v. Citibank, 2727-96 Robbery of Tenant's Rents at Citibank Aug. 8, 1994. P. 3680, Moretti to Municipal Court of Hackensack, Judge Louis Dinice Presiding, November 9, 1989 Docket No. C89-2519. $300 Check for Transcript of Proceedings before the Court Complaints filed as to 391-395 Park Street Apartment house - Park court Apartments, P. 3680.1 Thmas G. Loman Esq. to Moretti Oct. 7, 1974 ROR Construction Corp. v. City of Hackensack, as to Hackensack Rent Control Ordinance 1046, etc., P. 3680.2 Oct. 21, 1974 Appearance at County Tax Board, Appeal No. 132, Loman's Brief ROR v. Hackensack, L-34139-73, P. 3681 Scafuro & Gianni, April 4, 1975, continuation of legal representation in lawsuit begun by Loman with regard to Hackensack rent control ordinances and hearings concerning Park Court Apts., Chronological Events occurring at Park Court, Jan. 31, 1973 - Feb. 21, 1976, P. 3696-3707, P. 3708 Moretti Realty Association Ltd. To Salvatore Moretti, Bk. 6723, page 658, Transfer of Ownership of Park Court Apts. From a limited partnership to sole proprietorship. Dec. 2, 1982. P. 3713 Schierloh & Schierloh & John Doyno Report dated March 27, 1975 Accountant's Report on Monthly Rent Required at Park Court Apts., P. 3716 Draft of Brief on Rent Ord. 1046, Superior Court Appellate Division Brief and Exhibits, A-1350-74, filed by Anthony J. Gianni, Esq. Exhibits at P. 3740-3754. P. 3755-3758. $2353.83 in legal bills for Gianni's Legal Representation. P. 3759-3781 North Jersey Friendship House 387 Park St., Appeal 78-77 to Hackensack Zoning Board, P. 3782-3783 - Hackensack Hospital Expansion June 11, 1979 plus Record Letter to the Editor, P. 3784-3939 Wellington Hall Nursing Home and the Zoning Board action expansion of Parking into park Street from Union Street, Zoning Bd. Hearing Oct. 15, 1980, Trial Briefs at P. 3905 L-18611-80 Prerogative Writ, Appeal to Superior Court, Court's Opinion at 3923. P. 3940 Brief and Appendix, Moretti and Moretti Realty Associates Ltd., v. Hollis et al., L-48567-79, sat Below Hon. Leo Yanoff dated Oct. 9, 1982, 125 pages of appended materials 3976-4099. P. 4100-4227. Transcript of Proceedings before the Trial Courts on motions in the case of Moretti v. Hollis et al., L-48567-79, P. 4228 Nov. 5, 1982 Motion for Leave to Appeal filed with Trautwein transferred from Assignment Office to Judge, Appellate Division, dated Nov. 5, 1982. Material on case, 4230-4235. Complaint filed in case 4236-4255, page 4255 showing $3,265.00 paid by

Moretti to Hollis for legal representation. Materials on the case, 4256-4262. P. 4263 Mental Health Consultation Center of Bergen County located at 390 Park Street, Hackensack, Diamond 2-5208, Oct. 18, 1958 Johnson Public Library Brochure. P. 4268 Friendship House. P. 4275 Sept. 29, 1958 L & C Holding to ROR Construction Corp. 391 Park St., Hackensack Bk. 3978 Page 463, P. 4277 Sept. 30, 1958 Zwart to ROR Construction Corp. Bk. 3978 Page 467 395 Park St., Hackensack. P. 4279 ROR to Moretti Realty Associates, Ltd. June 19, 1981 Transfer of 391-395 Park St., Hackensack from corporate ownership to limited partnership. Bk. 6638 Page 15.

269. P. 4284-4436 Reserved for future expansion.

270. P. 4437-4457. Robert Zimmerer, Esq. Brief Moretti v. Dinice & Sullivan, 93-528, U.S. District Court. P. 4446. Memorandum & Order, Moretti v. Dinice & Sullivan, 93-528 (JCL), Aug. 4, 1993. P. 4452. Memorandum & Order, Moretti v. Dinice & Sullivan, 93-528 (JCL), Sept. 13, 1993. Memorandum & Order, Moretti v. Dinice & Sullivan, 93-528 (JCL), Oct. 1, 1993. Sept. 30, 1993. P. 4465 - Court of Appeals Decision 93-5581, P. 4466. Supreme Court Decision June 2, 1994. P. 4468. Application for a Stay to Supreme Court, May 24, 1994, D.C. 93-528, C.A. 93-5581.

271. Page 4483. July 5, 2000 Notice to the Bergen County Prosecutor's Office, and to Hon. C. Eugene Godlesky (South Hackensack Municipal Court, after transfer from Hackensack Municipal Court by Hon. Roy F. McGeady, J.M.C. sitting for Louis Dinice, who recused himself), and to Sheriff of Bergen County, att.: Foreclosure Unit, and to Superior Court of N. J., att: Judge Guida, Motion for Summary Judgement, BER-L-4114-98. United Water of N. J. v. Moretti). After page 4485.5, four photos showing clean up at 391-395 Park St., Hackensack by Salvatore Moretti, depicting sidewalks and grass cut, P. 4486-4511, Transcript of Motion in case of Moretti v. Gutterman-Musicant, Inc. and D. J. Fredericks, Inc. Jan. 6, 1984, before Hon. Sherwin D. Lester, C-4913-83E, Appeal No. A-3159-83-T3 - Motion to Transfer 387 Park St., Hackensack from Gutterman-Musicant Funeral Parlor to Moretti pursuant to contract signed by Fredericks Realty Co., P. 4512-4541, transcript of Motion July 12, 1977, hearing before Hon. David B. Follender, City of Hackensack v. Sandra Ramos and Shelter our Sisters, L-34904-76, Motion holding that Ramos and S.O.S. violated municipal ordinance

in operating group home in Hackensack; P. 4542-4545 letter Moretti to City of Hackensack on Nov. 25, 1977 w.r.t. 387 Park St. Psychiatric Halfway House Friendship House lease; P. 4546-4554, with Exhibit from Abraham Gold, claiming Democratic Committee support, included at trial before Judge John F. Evers, L-5847-78, 02-23400A-79, Moretti v. Hackensack, on taxation and assessment of Park Court Apts., 391-5 Park St., Hackensack; P. 4555-4577. Series of letters to Hackensack Fire Dept., Hackensack Municipal Court, Saddle Brook Municipal Court, and U. S. Dept. of Labor, Feb. 7, 1997, Feb. 10, 1997, Feb. 12, 1997 concerning Maintenance Work and Multiple Dwelling Law, State v. Moretti, 26-90, 27-90, 1-96. P. 4578. Hackensack Fire Dept. to Moretti w.r.t. Fire Alarm Alerts and Repairs, March 5, 1996. P. 4579-4581, November, 1996 letters and memos claiming that 390 Park St., Hackensack single family house is a rooming house - claims by Hackensack fire dept. employees Morosco, and Carucci addressed to Lawrence Manning. P. 4582-4644, Maintenance of 390-391-395 Park St., Hackensack by Moretti directed to Hackensack Dept of Community Affairs, with bills attached, notably p. 4583 repair to radio antenna for Moretti's car which was broken while parked on site at 391 Park St (before the collision on Passaic Street and the axing prior to the trial w.r.t. tenant in apt. 397-C), p. 4610 - $3,200 paid to maintain Konica copier in 1995-1996, p. 4611 April 24, 1996 $2,500 for new roof at 390 Park St., Hackensack paid to Hackensack Roofing co., p. 4614 Heating coil and plumbing and plow costs of $5,795.45, installation of heating coil at p. 4630, p. 4631-4643 - N. J. Dept. of Community Affairs Inspection Report 3/4/96 at 391-5 Park St., Hackensack. Inspection Certificate at p. 4644, dated January 1996 and signed by Deputy Chief Richard Carucci,. Transcript of Trial before Judge John F. Evers, Feb. 1, 1983, N.J. Tax Court, Pp. 4645-5002.

272. Page 5003-5396. July 20, 2000 Notice to the Bergen County Prosecutor's Office, and Maywood Municipal Court subsequent to Notice of Court Date Transfer to Maywood Municipal Court (trial listing return date July 28, 2000 at 9:00 a.m. Bergen County Court House Room #408) from Hon. C. Eugene Godlesky (South Hackensack Municipal Court, after transfer from Hackensack Municipal Court by Hon. Roy F. McGeady, J.M.C. sitting for Louis Dinice, who recused himself), and to Sheriff of Bergen County, att.:

Foreclosure Unit, and to Superior Court of N. J., att: Judge Guida, Motion for Summary Judgment, BER-L-4114-98. United Water of N. J. v. Moretti); P. 5011 - January 3, 1979 Record Article, "Tape recorder and newsletter - by Salvatore Moretti - infuriate mayor," Page 5011.1-5011.4. Park Street Block Association Petition to the N. J. Dept. of Transportation w.r.t. hearing on reopening Berry & Clay Street Rail Crossings; P. 5012-5091 - Transcript of Pubic Hearing on February 27, 1979 - N. J. Dept. of Transportation, Railroad Crossings and Berry & Clay Street, Hackensack, N. J. (Robert Hollis for ROR Construction Corporation, Stephen Moses for City of Hackensack, Index at p. 5075.81 - Statements by Senator John Skevin p. 5 (P. 5075.86), Hackensack Mayor Frank C. Zisa p. 7 (P. 5075.88), Hackensack Deputy Mayor James T. Trammel p. 22 (P. 5075.103, P. 5076), Salvatore Moretti p. 26 (P. 5075.107), Moses Knott p. 40 (P. 5075.121), Andrew Maguire p. 42 (P. 5075.123); P. 5092 -Copier Service 6/23/00; P. 5093, G. A. P. Sales v. Salvatore Moretti, A-1035-83 T3, Bergen County District Court Docket No. 500911, Oct. 12, 1983; 5094-5122, Oct. 12, 1983 Motion before Morris Malech, J.D.C., Steven Rothman for G. A. P. Sales; Moretti's Jan. 9, 1984 Brief P. 5123-5133, Steven R. Rothman's (Englewood's Mayor, then Surrogate of Bergen County) P. 5134-5149, Correspondence 5150-5153; P. 5154, Pamela McNair v. Salvatore Moretti, N. J. Office of Administrative Law, OAL Docket No. CRT 7506-87, Aug 2, 1988 Decision by Philip B Cummis A.L.J., Reversal by the Director, P. 5166-51695186, Nov. 1, 1988; P. 5187, State of N. J. v. Salvatore Moretti Hackensack Municipal Court Docket No. C89-2519, Hon. Louis Dinice, and Moretti v. Beavers, LT-022062-89, P. 5188 - Complaint by Darlene Mandeville, Health Dept., Sept. 27, 1989, P. 5190-5237, Transcript of Proceedings before Hackensack Municipal Court, on Sept. 28, 1989 and Oct. 5, 1989; P. 5236-5246, Brief submitted by Moretti to Hackensack Municipal Court to Complainant Christopher Colli trial dates Nov. 16, 20, 1989; Pest Control April 14, 1989 etc. P. 5247-5264; P. 5265, Moretti v. Beavers, Brief to Judge Lawrence Smith dated Dec. 19, 1989; P. 5268 Retaliatory Eviction ruling by Judge Lawrence Smith; P. 5269-5283, Memorandum by Moretti, Moretti v. Beavers, LT-022062-89; P. 5284, James Stanton - Hackensack Apartment Owners Association Notice dated Jan. 2, 1979, P. 5285, Vacancy Decontrol in Hackensack

June 20, 1978 - The Record, P. 5288 Moretti's Brief submitted to the Office of Administrative Law, O.A.L Docket No. CAF 06604-86, P. 5305, Orders of the Commissioner Bureau of Housing Inspection, Jan 1, 1985. P. 5310, March 10, 1986 Notice w.r.t. $10,000 expenses for compliance with Orders of the Commissioner, P. 5327, Transcript of Pre-Trial Conference on Oct. 25, 1994, Moretti v.Church of God in Christ, Faith Temple Garden of Prayer Inc., L-6452-94, Before Hon. Richard Hamer, J.S.C., Prior Zoning Variance by Joe Scot, Moretti's Pretrial Memorandum BER-L-7703-93, P. 5352-94 Moretti's Pretrial Memorandum BE-L-6452-94, P. 5354 Faith Temple's Pretrial Memorandum BER-L-7703-93, P. 5355 Board of Adjustment's Pretrial Memorandum BER-L-7703-93, P 5356-5382 Resolutions and Minutes of Hearings before Hackensack Board of Adjustment of Faith Temple Variance Applications, P. 5383-5392 Moretti's Brief Submitted to the Superior Court Appellate Division, P. 5393-5395. November 21, 1995 Appellate Division Opinion Case of Moretti v. Faith Temple Docket No. A-2012-94T2 Filing Date Nov. 21, 1995, P. 5396. Denial of Certification by the N. J. Supreme Court March 26, 1996 Case No. 41,557 Moretti v. Faith Temple.

273. August 14, 2000 Notice to the Bergen County Prosecutor's Office, Maywood Municipal Court, Sheriff of Bergen County, Superior Court of New Jersey, Federal Bureau of Investigation, and Internal Revenue Serivce. Pages 1-6. Notice states that a copier machine defect requires another maintenance call which is to expected since there are over 500,000 copies on the machine. In fact, a later inspection revealed there are over 800,000 copies on the machine.

274. August 14/August 29,2000. Notice to Bergen County Prosecutor's Office, Maywood Municipal Court, Bergen County Sheriff's Office, Superior Court of New Jersey, and Hackensack Zoning Board, Pages 5405-5854. P. 5405. Municipal Court Complaint by Lt. Thomas Uzzalino, Hackensack fire Department, Failure to Pay Fine and abate violations. 391-395 Park Street, Hackensack, in violation of 26-90 Ord. 7-99. P. 5406.Julei Ferenczi's August 9, 2000 Notice as to cutting grass at 391-395 Park Street, Hackensack hand delivered on August 11 at Hackensack City Hall. P. 5407. July 26, 2000 Notice by David E. Dax, Executive Director, Christ Church Community Development Corporation, 251 State St., Hackensack, states that in view of the zoning board's revocation of the

certificate of occupancy of the Orchard Street center for the homeless, we cannot purchase 391-395 Park Street, Hackensack at this time. P. 5408-5411. Notice of Hearing for Variation from the Zoning Board of Hackensack, Application #36-00, by 22 Jersey Avenue Associates, hearing to be held at city hall on July 19, 2000. Notice sent by Seymour Chase, 1 Atlantic St., Hackensack. P. 5412-5413. Moretti's Credit Card Bureau Payments of $5,804.94 from October, 1999 to August, 2000. Attempt by Moretti to restore good credit after shut down of Park Court Apartment in April, 1997. Credit card credit was used instead of bank loans when banks refused to loan on the equity in the buildings which were paid off in 1979. P. 5414 U. S. Social Security Administration Eligibility for Salvatore Moretti. Shows taxes social security earnings from 1973-1976 inclusive equal zero, from 1982-1989 inclusive equal zero, from 1991 to 1996 equal zero. These zero earnings resulted from management and work as superintendant at Park Court Apartments during those years. P. 5415. The Record Aug. 16, 2000. Prosecutor fires aide who bucked him. Richard Muti fired. P. 5418-5419. The Record Aug. 15, 2000. Deputy (Muti) opposed $7 million purchase - Prosecutor (Muti) breaks with boss over space needed. P. 5420-5422. Sheriff (Ciccone) blames politics for union vote. 62% of officers have no confidence in him. P. 5422.1-5422.2. The Record, March 14, 2000. 4 suspended I Cliffside Park scandal. Theft-arson conspiracy rocks town. P. 5422.3 Bergen News, (Cliffside Park) Defendants to enter please on CP theft/arson charges. P. 5422.5 The Record. Schmidt's proposal for offices criticized. Zisa says funds should be used for probes. P. 5422.6 March 11, 2000. The Record. Sheriff's brother, 7 others indicted. Accused of looting dead man's home. P. 5422.8 Bergen News. May 3, 2000. Whitman signs Zisa sponsored crime bills. P. 5422.9 The Record July 6, 2000, Helping battered women find a way out. P. 5422.11. The Record. Hsckensack cancels permit to run shelter. Orchard Street, Hackensack homeless shelter closed by Hackensack zoning board. P. 5422.13. Theodore Trautwein, judge who jailed reporter for notes, dies. P. 5422.14. The Record Suit against police costs city $300,000. Hackensack agrees to pay restauranteur (Egan is the owner of Cubby's restaurant on South River Street, Hasckensack. P. 5422.17. Old Times at Duke's by Mark Stuart. June 2, 1985. P. 5422.18 states "Duke's was headquarters for Willie and Salvatore Moretti, who

controlled illegal gaqmbling activities in North Jersey." P. 5422.20. Pinto Service, Incx. Service Memo. Empty container at 391 Park St., Hackensack. Bill of $90.00 marked paid, and dated 4/28/00, check #329. P. 5423-5450. New Jersey Reports, Vol. 82. City of Hackensack, Respondent v. Richard Winner, and Nicholas Sarapuchiello, William Kresja, Appellants, and the Public Employment Relations Commission, Appellant., Argued March 6, 1979 - Decided January 22, 1980. Supreme Court of New Jersey Opinion. P. 5451 Jademar Industrial Co. Variance Application No. 35-78 Dec. 15, 1982. 381-383 Park St., Hackensack, construction of an addition to an office building. P. 5453. Frank Alster Variance Application 15-75 filed April 25, 1975 to construct a 72 unit apartment house at the corner of Park Street and Berry Street, Hackensack. P. 5455-5543. Transcript of Zoning Board hearing on July 19, 1978, Jademar Industrial Co. P. 5544-5546. Resolution adopted by the Zoning board on July 19, 1978. P. 5547-5610. Transcript of Proceedings on the Jademar Variance on December 15, 1982. Decision by the Appellate Division, ROR Construction Corp. v. Board of Adjustment of Hackensack and Jademar Industrial Co., A-3609-78. Decided April 23, 1980. States that Hollis's failure to issue summons within 10 days after the filing of the complaint did not warrant dismissal of the complaint againt Jademar, and court should inquire whether Jademar was prejudiced when it demolished house and constructed the building. P. 5615-5755. Hearing before Judge Donald De Cordova, Dec. 12, 1981, Docket No. L-323-78 ROR v. Hackensack and Jademar. P. 5756-5791. Depositions of Joseph A. DeMartino and Salvatore Moretti August 4, 1981. ROR Construction Corp. v. Hackensack and Jademar Industrial Co. P. 5791-5801 Brief on Behalf of Jademar Industrial by Frank Alster Docket No. A-3609-78. P. 5802-5826. Brief on Behalf of ROR Construction Corp., by Edward Evans, A-3609-78. P. 5827-5837. Transcript of Proceedings before Judge Donald De Cordova December 17, 1981, Moretti Realty v. Hackensack and Jademar Industrial Co. P. 5838. Zoning Board Hearing on January 19, 1983, Applic. 35-78, Jademar Industrial Co., P. 5842. Resolution adopted Jan. 19, 1983. P. 5844-5850. Transcript of Aborted attempt to depose Mr. DeMartino by Salvatore Moretti on May 27, 1983. P. 5851-5854. Letter-Opinion by Judge William

Meehan dated January 17, 1984, in re Moretti v. Hackensack Zoning Board and Jademar industrial Co., L-001683-83.

275. September 9, 2000. 8 page letter to Bergen County Prosecutor's Office, Maywood Municipal Court, Sheriff's Office, Superior Court of New Jerey, Clerk of the Supreme Court of New Jersey, and Manhattan District Attorney s Office.

276. September 29, 2000. Complaint filed in the United States District Court, District of Newark, Newark, New Jersey, Salvatore Moretti v. Joseph Ciccone, Sheriff of Bergen County, and the Bergen County Sheriff's Department, Docket No. 04809 (FSH). Cause of Action: 42 U. S. C. Sections 1981, 1982, 1983, plaintiff Moretti was jailed after being shut out of his house at 390 Park Street, Hackensack; then houe was sold by Sheriff resulting in sham sale $109,000 below fair value, contrart to N. J.Stat. Ann. 2A:50-3.

277. October 9, 2000. Pages 5854-5930. Notice to Bergen County Prosecutor's Office, Judge Roy F. McGeady SC-2000 001566, and Joseph Preziosi, Esq. (Prosecutor - Maywood), Sheriff of Bergen County, Superior Court of New Jersey, and Hackensack Zoning Board - 22 Jersey Avenue Associates. Notice copies in the addresses as to the Federal District Court complaint, Moretti v. Ciccone et al., 04809 (FSH), at 5857 includes Charles "Ken" Zisa's letter to the Bergen News with regard to revising the forfeiture laws with regard to local police departments such as Hackensack's police department where he is Chief of Police, at 5859 a synopsis of N. J. v. Jones, 143 N.J. 4, and at 5864 Synopsis of N. J. v. Harry Kittrell, 279 N. J. Super 225, includes material collected from the Executive Intelligence Review, from 5867-5872, and 5876-5891, at P. 5873 September 8, 2000 letter from Judge Robert Guida to John Wallace and Salvatore Moretti in case of United Water new jersey v. Salvatore Moretti, BER-L-4114-98, at P. 5875 Resume of Salvatore Moretti, at P. 5892 Map of Washington showing George Wahington University, P. 5893 Map of Hungary, Infopedia and Multipedia CD-Rom Articles from P. 5894-5923, P. 5924 April 4, 1997 Record Newspaper Article Entitled - Apartments Condemned Over Unpaid Water Bills, P. 5926-5927, September 11, 2000 letter from Joseph Preziosi to Judge Roy McGeady re. N. J. v. Moretti, Complaint No. 000116, P. 5928-5930, The Record, Article entitled 5 arrested in undercover drug sting. Suspects believed to be gang members, notes that a member of the

Latin Kings in Hackensack was arrested operating out of 59 Prospect Avenue, Hackensack. Detective Captain Michael Mordaga is pictured escorting suspect Juan Quinones into Hackensack police headquarters. 278. October 25, 2000. Notice from Moretti to Bergen County Prosecutor's Office, Judge Roy F. McGeady SC-2000 001566, and Joseph Preziosi, Esq. (Prosecutor - Maywood), Sheriff of Bergen County, Superior Court of New Jersey, and Hackensack Zoning Board - 22 Jersey Avenue Associates. Notice copies in the addresses as to European history and the development of the Hungary's occupation by Russia, and Ferenczi's emigration from Hungary afrter having grown up under communism. Notes that the police prior to 1989 and her leaving Hungary was that the property of the middle class must be confiscated and distributed to the people. P. 5941. Record Newspaper article, Masked man arrested after chase, car crash; Mike Mordaga saw a man wearing a mask on Union Street (one block from Park street), gave chase and arrested the man in Paterson. Tyra Jordan, 25, of Hackensack, was arrested. P. 5942. The Record. September 26, 2000. 5 arrested in undercover sting arrest of Juan Quinones. Alleged supplier of drugs were members of Latin Kings. P. 5944. Record. September 28, 2000. Apartment rents in N. J. are highest, group (Housing and Community Development Network) says. "Advocated cited a study by the National Low Income Housing Coalition that siad the average rent in new jersey was $878 in 1999. That figure was up $51 from the year before, enough to move New Jersey above Hawaii for the highest average in the country, Kasabach said." P. 5945. The Record, Oct. 12, 2000 Verniero had data on profiling in '97. Newly available papers reveal role in probe. P. 5946. The Record Oct. 24, 2000 - Court rules gang's trial was proper. Says security plan did not sway jury. Article discusses Bergen County Sheriff's officers searching defense attorneys' notes prior to trial. P. 5948. The Record. Fake arrest case dropped against ex-sheriff's chief. Case against Dennis O. Stellato of Emerson dismissed. P. 5949. The Record. Oct. 20, 2000. Landlord awarded $750,000 in bias case. Central Islip, N. Y. "A federal jury has awarded $750,000 to an East Rockaway businessman after finding that the village of East Rockaway and its building (code) superintendent discriminated against him becaue he rented to minorities." P. 5950. Libertarian Party News, N. J. Supreme Court upholds right to trial by jury. September, 1988. LP News article

states that "the stakes were high for New Jersey law enforcement, which seized close to $13 million in property and cash in 1996. Currently (in 1988), there are 2,500 cases pending forfeiture cases in the state - all of which now qualify for jury trials, thanks to the new ruling." Case title, N. J. v. One 1990 Honda Accord and $420. Article notes that since 1985 "more than 200,000 Americans have had their property seized under property forfeiture laws by federal, state, or local government - and in 80% of those cases, no one was ever charged with a crime. In all, more than $5 billion worth of private property had been seized by state and federal law enforcement agents." P. 5953. Internet now features the April 4, 1997 article from the Record, Apartment condemned over unpaid water bills, Article states "dozens of occupants of 391-397 Park Ave. were ordered to leave their garden apartments Wednesday after landlord Salvatore Moretti refused to pay the money he owes to United Water Resources Inc."

Salvatore Moretti, Pro Se, Canal Street Station, P. O. Box 1306 New York, New York 10013-0876

SUPREME COURT OF THE STATE OF NEW YORK, STATE OF NEW YORK: COUNTY OF KINGS, SECOND DEPARTMENT: SECOND JUDICIAL DISTRICT.

Motion for Summary Judgment; Affidavit by Salvatore Moretti, Index No. 2727-96. Hon. Irving Aronin, Oral Argument Demanded, Civil Action, Rico, Assault and Battery, Fraud, Tort.

SALVATORE MORETTI, Plaintiff - against - CITIBANK, N.A., CITIBANK BRANCH NO. 11, MARY WING,JOHN DOE, ET AL., Defendants

Salvatore Moretti, plaintiff in the above captioned civil action, hereby declares under oath as follows:

1. I am the plaintiff in the above cause of action, and I am fully familiar with the facts within.

2. This action is brought to recover judgment for the robbery and assault and battery which occurred on Aug. 8, 1994 in which I, Salvatore Moretti, was the victim of an assault and battery and was robbed in the defendant's bank - Citibank Branch No. 11, Broadway at Canal Street, New York, New York. I filed the complaint in this case on Jan. 26, 1996 in the King's County Supreme Court, 360 Adams St., Brooklyn, N. Y.. On March 18, 1996, Sills, Cummis, Zukerman, et al., 712 Fifth Ave., N. Y., N. Y., and an office at One Riverfront Plaza, Newark, N. J. 07102-5400, filed an answer to the complaint on behalf of Citibank N.A., Citibank Branch No. 11, and Mary Wing. Depositions were taken in this case (at 712 Fifth Ave., N. Y., N.Y.) including testimony by Salvatore Moretti on June 11, 1997, and (at the King's County Courthouse, 360 Adams St., Brooklyn, N. Y.) including testimony by Salvatore Moretti and Mary Wing on Sept. 16, 1997.

3. The depositions referenced in paragraph two prove that there were repeated notices given by myself, Salvatore Moretti, to the defendants Citibank, N. A., Citibank Branch No. 11, and Mary Wing, Vice-President of Citibank, said notices of preparatory acts to commit the robbery complained

of. The preparatory acts included throwing money on the floor where I, Salvatore Moretti was standing while I was making cash deposits at the Canal Street Branch of Citibank. Preparatory acts also included deducting cash deposit tickets in the amount of $1,250...

6. Citibank was immediately noticed so as to preserve the videotapes of the robbery, but they have failed to comply with my demands for discovery to turn over these tapes for the last three years. There were a number of cameras in the bank on the date of the robbery, and several cameras showed the actual robbery in progress, as well as the entry and getaway of the robber. I viewed these tapes at a Citibank central operations office located in Manhattan, and I identified the robber as he entered the branch the day of the robbery. The robber was a white male about 35 to 40 years of age, casually attired. I described the robber as waiting in Mary Wing's office twenty feet from me until he spotted that I unlocked the gray valise in which I kept the deposit; upon opening my valise, the robber, John Doe, rushed toward me, assaulted me, and stole the deposit; he then ran away from the teller windows inside Citibank Branch No. 11, and escaped down the steps into the investment area of the bank....

8. By reason of the foregoing, there is due and owing to me from the defendants the entire amount of money stolen on Aug. 8, 1994 within the Citibank Branch No. 11 at Canal St., and Broadway, N. Y., N. Y., as well as the amount of damages for the assault and battery described, as well as the contingent losses to my real estate holdings located in Hackensack, N. J., which holdings are described in the transcripts of the above referenced depositions attached hereto. Bank foreclosures and outstanding tax liens have occurred due to my deposit moneys being stolen on Aug. 8, 1994; the moneys stolen were to pay a water bill judgment issued by Superior Court Judge E. Koblitz, on behalf of the Hackensack Water Co.; the moneys stolen were also to pay judgments entered on behalf of Dinice, Amoroso, and Sullivan, said judgments entered in and recorded at the federal district court in Newark, N. J..

Due to my inability to pay these judgments, my 20 unit apartment building (located at 391-395 Park St., Hackensack, N. J.) was shut down effective April 1, 1997 until today, and my house (located at 390 Park Street, Hackensack, N.J.) was listed for foreclosure sale by the Bergen County Sheriff on August 26, 1998. I was evicted from my house at 390 Park St., Hackensack, N. J., by the sheriff of Bergen County on Feb. 11, 1999, with all my possessions being removed from me at that time remaining in the house. I hereby demand damages in payment for court costs, costs of transcripts of depositions and attendance thereat, and such further relief as may be awarded by the court. The damages demanded are a jury question, and should be submitted as a separate question to the jury for their determination as to the extent of damages on the day of trial, which date is to be set by the court. The loss of rental income alone from 391-395 Park St., Hackensack, a 20 unit apartment house, comes to $13,000 per month for $338,000. The loss of ownership due to the sheriff's sale at 390 Park St., Hackensack, N. J. amounts to approximately $90,000. If there are further delays, the loss of ownership of 391-395 Park street due to sheriff's sale will result in loss of one million dollars.

9. The foregoing statements made by me are the truth. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Date: May 25, 1998. Submitted By: (s) Salvatore Moretti

Jurat Date: May 25 1999 Submitted By: (s) Salvatore Moretti

Presented in a letter to Judge Stark and the Defendants Salvatore Moretti v. United Water Resources, Inc., City of Hackensack, and State of N. J., Docket No. BER-L-5678-97. Inverse Condemnation Action. June 28, 1997. Deposition of Salvatore Moretti, on June 11, 1997, in the matter of Salvatore Moretti v. Citibank, N.A., Citibank Branch No. 11, Mary Wing, JohnDoe, et al., New York Supreme Court, County of Kings, Index No.2727-96. Deposition occurred at the offices of Sills,Cummis, 712 Fifth Avenue, New York, New York at 10 p.m. Deposition of Salvtore Moretti was to be followed by

Deposition of Mary Wing. Mary Wing refused to be sworn.

Page 24. Moretti. "As the manager of properties as set forth in the complaint I filed in the
Supreme Court, second department - second judicial district under index 2727-96, the complaint that parties - at Subparagraph 3 states, Salvatore Moretti is the owner of 391 Park Street and opened a checking account at Citibank Branch Number 11 on May 28, 1993, wherein there were deposits into the account of $145,000 -

Question - "Mr. Moretti, you're not answering the question.

Page 27. Moretti. "The deposits as the complaint records were from the property at 391 Park Street; specifically, the rentals of the units which were deposited to - between May 28th of 1993 and August 8th of 1994 in the amount of $145,000, and whatever additional monies of any additional accounts may have been transferred over.

Page 30. Moretti "During that time period which we are discussing, May 28th 1993 to August 8th of 1994, I deposited rents from but two location or addresses which happened to have consecutive street numbers, 390 and 391 Park Street, and that the deposit as far as Citibank is concerned, which we are discussing today relating to the robbery which occurred on August 8th of 1994 at 2 p.m., was of rental receipts from the property which was located at - as a street, address, simply 391 Park Street, Hackensack.

Page 34. Moretti "What I confined the complaint to was between May 28th 1993 and August 8th of 1994 as a property manager or in connection with a property management I deposited $145,000 from New Jersey real estate activities into a New York bank called Citibank, located at Canal Street in New York, Branch Number 11, I believe, or Branch Number 11 at Citibank.

Page 70. Moretti "When I read the complaint (what attracted me this morning) was that I requested a loan sometime early in 1994 prior to the robbery on August 8th of 1994 and that there was discussion relating to a loan from Citibank to

myself, and the complaint was fairly clear in that respect. I think the reason it was in the complaint - And I'm discussing it now - is because I'm concerned about or was concerned about funds to operate the property, and also that the bank being near places of business at which I frequented or had some reason to go into that area so that I could do business there...New York Law School is located on the same street really.

Page 108. Moretti "You're question in another light is how much money was taken by physical force or intimidation from the depositor in the time period we're talking about, which is three years ago in 1994. So what I am saying is that, as the complaint states, there was a series of threats, intimidations, money thrown on the floor -...these were intimidating factors; and as the complaint states that - I was placed in a defensive position, during which time $1,250 was removed from that - my banking account, which was a cash deposit, and stated that the money, which was a check, presumably two $600 checks, one for $625 and one for $600, which were typical rents, was not part of the deposit ticket. So I would say, and I would recall as the complaint states, that there were a series of occasions during May, June, July, and lastly, August, when money was thrown on the floor about me. Individuals were milling about of a suspicious sort and that, as a matter of fact, [p. 109] during that time period there were at least three occasions where there were deductions from my checking account. And on at least one of those occasions it was - there was both money thrown on the floor and a $1,250 cash deduction was made from my account... but, in fact, the $1,250 check or checks was denoted on the deposit ticket as cash, and it was a $1,250 deduction during the time when I was placed not merely in a defensive position, but in a physical position of being surrounded by people throwing cash on the floor next to me so that I would bend down and pick up the cash thinking it was my cash, because I happened to be standing even on the cash or within two feet of the cash or four feet of the cash as normally you would do.

Page 111. Moretti "Eight, numerous occasions there appeared money on the floor where it was - And that money was clearly thrown there to divert my attention from doing what I was there to do, which was to deposit money. And clearly the first thjng that pops into your head is if I am standing next to money, I must have dropped it from my bank deposit.

Page 118. Moretti "Let me continue answering the question. Your question was in terms of who did I see during the eight times money was thrown at my feet from May 8th [1993] to August [1994]; and I am responding, some of the individuals that I saw appeared to be members of a security [service], which I interpreted at that time as being related to telephone calls I had made to Citibank that I felt insecure procedures were being utilized because, A. $1,250 dollars was deducted from my account on a cash deposit; and, B, People were throwing money at my feet at Citibank. I thought that I - I spoke to these people at the telephone number which was [pg. 119] supposedly in - I spoke to someone who was supposedly in your security services for Citibank in Manhattan and made a series of phone calls and made - and was patched in through different telephone calls so I understood -

Page 127. Moretti "They were doing no banking activity at all of a typical bank customer They did not appear to be a customer making a deposit, withdrawing cash, writing a check, going to the A.T.M., and finding out what their bank balance was..

Page 128. Moretti "I would say to myself, I wonder what that money is doing on the floor. I wonder if I should pick it up. I wonder if it fell out of my trousers. No one else is around. It must belong to me because it wasn't there before and now it's there. I would then say, Well, gee. If I dropped the money, how the hell could I drop that money, if I dropped the money, what's going on here. If it's the first time that it happened, you wouldn't think anything of it. If it's the second time, you probably wouldn't think something of it; but the day that $1,250 is deducted from my account jointly with or around the same time something else occurred, I think you would be

getting into being either defensive or agitated enough to call Citibank security and let them know that there were preparatory acts to your getting robbed by somebody stealing your deposit when you entered that branch.
Page 130. Moretti 'The question was on and I recall I yelled out, "the thief has taken my deposit. He has wrapped twenty dollar bills which constitutes 100 twenty dollar bills wrapped, would be $2,000 bucks, and two wrappers, would be 4,000 bucks and so on He has obviously something weird because who would steal a Garden State National Bank deposit pacquet, because that's a New Jersey bank in New York. So I would, to identify the guy who stole my money, yell out, "This guy has stolen my money. He has my bank deposit bag. He's got wrapped twenty dollar bills," and on that occasion I recall that the people I described were of no help at all in rescuing or preventing the robbery or in securing the robber."
Page141. Moretti "I'm indicating that those are suspicious preparatory acts and, as a matter of fact, that wouldn't be either suspicious or preparatory if [p. 142] there weren't a theft on August 8th [1994]. In fact, on August 8th, there was a robbery at 2 p.m. of over $7,000 and as I said, these are the types of preparatory acts which tie together what was going on The disappearance of security, the appearance of a group of people who, as I said, not only were not helpful and did not get the thief, John Doe, but who, in fact, interfered with the normal routine of he bank, obviously interfered with me catching John Doe when he stole it [the bank deposit].
Page 157. Moretti "I had a Sears valise which had a combination lock on it, which had three numbers that you would have to open in order to get into the deposit. Obviously the thief waited until I opened up my bag before he grabbed it. Obviously he didn't do it in a straight forward manner. There was money on the floor. So obviously this was a well-rehearsed robbery in which security would have immediately seen if they were alert.
Page 158. Question. "I asked you to describe what happened in that ten minutes."

Moretti. "I just stated, A. I saw here was money on the ground; B. The thief wasn't there when I entered; C. The thief had an opportunity to wait until my three-digit numbers were turned before grabbing the money and the deposit bags from United Jersey Bank and Garden State National [Bank] to run away.

Page 159. Moretti. "Let me just say, I was there last December of 1996 before the first of the year, and they handed out - They had the doors locked. They had closed down the bank. There were only A.T.M.'s out front and there were - They were handing out pieces of paper which said, "Go to another branch because your bank account is being taken care of at another branch. I believe it was on Elizabeth Street...

Question Did you see who took the money?

Moretti "I saw that the person who had been standing at Mary Wing's desk exited from her office, came toward me, and took the deposit.

I have presented this excerpt from the testimony taken to provide insight into the gravity of the operating. difficulties relating to the subject property. This difficulty is supported by the seventy-one page photographic exhibit attached to the body of the complaint which I trust the defendants have received by now from the clerk's office of Bergen County.

Very truly, (s) SalvatoreMoretti

cc.:.Gov. Christine Whitman, Attorney General Peter Verniero, City of Hackensack, c/o Richard E. Salkin Esq., United Water Resources, Inc. c/o John P. Wallace,Esq., John Scura, Esq.

Salvatore Moretti, 390 Park St., Hackensack, N. J. 07601, (201) 487-5179

Superior Court of New Jersey, Bergen County, Law Division, Docket No. BER-L-7058-98. Complaint and Jury Demand. Salvatore Moretti, Plaintiff, Dr. Stephen Sherer, Hackensack University Medical Center, and Maple Glen at Fair Lawn

Nursing, and Rehabilitation Center, Defendants.

Salvatore Moretti, plaintiff in the above cause of action, hereby declares as follows:

First Count

1. Plaintiff Salvatore Moretti is the son of Theresa Moretti, who died on May 28, 1998; Theresa Moretti resided at 197 Alpine Drive, Paramus, N. J. until her death.

2. Plaintiff visited his mother, Theresa Moretti for an extended period of time during which time it was learned that she was mistreated by the above named defendants; all three above named defendants have refused to provide the plaintiff with information as to their treatments or the records relating to diagnoses made relating to plaintiff's mother.

3. As a result of Dr. Stephen Sherer's mis-diagnosis that the patient was terminally ill, he gave her medical drugs improperly and administered in such great quantity that Theresa Moretti vomited and was in pain. Sherer then ordered her removed from her house and taken by ambulance...to Hackensack University Medical Center at 385 Prospect Avenue, Hackensack, N. J.

4. Dr. Sherer visited his patient, Theresa Moretti, and stated Theresa Moretti was dying of terminal cancer, that she had only a few weeks to live; but he stated she only had a possibly cancerous growth in her mouth. He said she should be allowed to die without her being informed she was dying.

5. Plaintiff repeatedly called Dr. Sherer stating Theresa Moretti was suffocating from mucous in the lungs, but he adamantly stated she would die soon and there was nothing he intended doing.

6. Plaintiff has demanded to see Dr. Sherer's medical records, but he refuses to release same, claiming a privilege of confidentiality which cannot be broken due to the death of Theresa Moretti.

7. Wherefore, plaintiff claims for one million dollars against

Dr. Stephen Sherer and for such other damages as a jury may find upon their deliberation on the facts herein.

Second Count

8. Plaintiff repeats the first seven paragraphs as if set forth herein and at length.

9. When Theresa Moretti was twice rushed by ambulance to Hackensack University Medical Center from her home, plaintiff complained to the medical center that Dr. Sherer had improperly diagnosed Theresa Moretti, that he had over-prescribed drugs for her, that Sherer had dismissed the fact that Theresa Moretti was in great pain. Although plaintiff demanded that the hospital correct for these medical problems, they failed to do so. This resulted in Theresa Moretti remaining in a condition where she was over-prescribed with drugs, including a tranquilizer, and she was thus rendered bed-ridden and unable to care for herself. Although plaintiff was turned away from the Hackensack University Medical Center and prevented from visiting Theresa Moretti, he was eventually permitted to visit her. When given the opportunity to visit her, he demanded to see her medical charts, and was finally permitted to examine these records; these records failed to show the need for the extreme medical treatments and excessive dosage and over-prescription of drugs she was receiving. When demand was made for copies of these medical records, the hospital refused to provide the requested records, under claim of medical privilege. When Theresa Moretti's medical benefits ran out, she was shipped by ambulance to a nursing home.

10. Wherefore, plaintiff herein claims damages for one million dollars against the Hackensack University Medical Center and for such other relief and/or damages as may be found by a jury at jury trial, based upon their deliberations on the facts within.

Third Count

11. Plaintiff repeats the first ten paragraphs of the complaint in this count as if set forth herein and word for word.

12. When Theresa Moretti was placed in Hackensack University Medical Center by Dr. Stephen Sherer, she was held there until her medical benefits were exhausted, and then she was moved by ambulance and without notice to the plaintiff to the Maple Glen at Fair Lawn Nursing and Rehabilitation Center, 12-15 Saddle River Road, Fair Lawn, N. J.

13. While at the Maple Glen nursing home, plaintiff repeatedly visited Theresa Moretti, who was kept at the nursing home under lock and key. She was not permitted to be removed since the residents wore plastic "bracelets" which prevented the exit door from being opened when they were within range of the electronic bracelet sensor embedded within the locked doors. Guests without the bracelets on could come and go without knowing the bracelets prevented walking out the door.

14. Plaintiff repeatedly complained verbally and in writing to the nursing home that his mother was the victim of improper medical procedures which endangered her health, but he was ignored...

15. When plaintiff described the medical drugs given to Theresa Moretti he was ignored, instead Theresa Moretti was handed over to Hackensack hospital's terminally ill section called "hospice." As a result of this treatment, Maple Glen was negligent.

16. After her medical benefits ran out, Theresa Moretti was transported back to her home, 197 Alpine Dr., Paramus, N. J.; she died after being given morphine by the hospital's hospice unit and after her lungs were pumped out showing one half gallon of mucous in her lungs on the date of her death, May 28, 1998.

17. When plaintiff demanded copies of the medical records of

Theresa Moretti made while Theresa Moretti was at the nursing home, he was refused on the basis of medical privilege.

18. Wherefore, plaintiff Salvatore Moretti demands one million dollars due to the medical negligence shown by Maple Glen at Fair Lawn Nursing and Rehabilitation Center, and for such other relief/damages as may be shown by a jury deliberating on the facts.

CERTIFICATION

The above cause of action is not the subject of any other judicial proceeding at this time, and it is not within this party's knowledge whether any other judicial proceedings are planned.

Dated: July 29, 1998 (s) Salvatore Moretti; Jurat Date: July 29, 1998 (s) Salvatore Moretti

Salvatore Moretti, Canal Street Station, P. O. Box 1306, N. Y., N.Y. 10013; October 13, 1999

Emille R. Cox - Clerk of the Appellate Division, Superior Court of New Jersey, Hughes Justice Center - P. O. Box 006 25 West Market Street, Trenton, New Jersey 08625

re: Salvatore Moretti v. Dr. Stephen Sherer, et al. Notice of Appeal to the Appellate Division from the Case Docketed No.BER-L-7058-98. Appellate Division No. A-497-99T1

Dear Clerk of the Appellate Division:

By letter dated October 12, 1999 I advised the court that the written opinion of Judge Sciuto dated July 20, 1999 contained the language rendering the court's interpretation in the case. Judge Sciuto wrote as follows:

I am in receipt of a letter dated June 18, 1999, addressed to my attention. Although the letter is dated June 18, 1999, my office did not receive same until July 14th...[M]y June 11, 1999 ruling...dismissed plaintiff's Complaint against the defendant

Hackensack University Medical Center for failure to comply with N.J.S.A. 2A:53A-27, namely failing to provide an Affidavit of Merit...Mr. Moretti suggests that this is a res ipsa loquitur case... Further, he contends that the harm to his mother, Theresa Moretti...occurred prior to the effective date of the statute in question...

On August 2, 1999, I wrote the trial court that the case cited by Judge Sciuto, Toy v. Rickert, 53 N. J. 27 (App. Div. 1958) stated at page 33 as follows,

The Supreme Court has recently restated the criteria necessary to the application of the doctrine (of *res ipse loquitur*) and the scope of the inferences allowable under its application. Speaking through Mr. Justice Heher, in *Bornstein v. Metropolitan Bottling Co.*, 26 *N. J.* 263, 269 (1958) the court said:

"The maxim *res ipse loquitur* symbolizes a permissible presumption of negligence from the plaintiff's proof, that is to say, an allowable inference of the defendant's want of due care **where (a) the occurrence itself ordinarily bespeaks negligence; (b) the instrumentality was within the defendant's exclusive control; and © there is no indication in the circumstances that the injury was the result of the plaintiff's own voluntary act or neglect..."**

There is certainly no reason not to apply the doctrine to medical malpractice actions where plaintiff's proofs meet the requirements laid down...

Theresa Moretti was a patient at the Hackensack Medical Center from May 10, 1995 to May 16, 1995, from June 4, 1995 to June 9, 1995, from January 26, 1998 to January 30, 1998, and from March 20, 1998 to April 6, 1998...the drugs administered included **theophylline, pepcid, vanceril, atrovent, K-dur, cardizem, rhythmol, prednison, lanoxin, prozac, and morphine. These drugs taken without proper supervision and in excess are inherently dangerous...**

Very truly, (s) Salvatore Moretti

REPLY BY THE CLERK OF THE SUPREME COURT TO LEGAL PAPERS FILED BY MORETTI, DATED MARCH 23, 2000.

SUPREME COURT OF NEW JERSEY

Stephen W. Townsend, Office of the Clerk, P O Box 970, Trenton, New Jersey 08625-0970

Gail Grunditz Haney, Deputy Clerk

March 23, 2000

Mr. Salvatore Moretti, Canal Street Station, P O Box 1306, New York, NY 10013-0876

Re: Your papers dated March 14, 2000 and March 17, 2000
Supreme Court Docket Nos. 48,238, 48,551, and 49,242

Dear Mr. Moretti:

This office is in receipt of your papers of the above-referenced dated. These papers do not comply with the Court Rules, and therefore will not be filed or acted on by the Court. Neither the Clerk's Office nor the Supreme Court are required to parse lengthy, single-spaced papers like those you have submitted to determine what relief a party may be requesting. The relief sought must be clearly expressed in a notice (notice of motion, notice of appeal, or notice of petition for certification). All papers must be double-spaced, and briefs are subject to strict page limitations.

Enclosed is a copy of the Supreme Court's Guide for Litigants without Lawyers. I suggest that you read the Guide closely and follow its instructions in preparing any future papers.

I also note that your appeals in 391-395 Park Equities v. Moretti, (Docket No. 48,551) and Chase Mortgage Services, Inc. v. Moretti (Docket No. 48,283) have been dismissed, and no further papers will be accepted for filing in those cases. (see my letter dated February 17, 2000, copy attached.) In addition, although you have filed a notice of appeal in Moretti v. United Water Resources, Inc. (Docket No. 49,242), that appeal is subject to possible dismissal just as your previous appeals were dismissed. (A party has the right to appeal to the New Jersey Supreme Court in very limited circumstances B see Guide). I therefore suggest that you submit forthwith your answer to the motion to dismiss filed by the Attorney General.

(S) Mark Neary, Staff Attorney

c: Clerk of the Court, Patrick DeAlmeida, Esq., .
John Wallace, Esq.

[Included At P. 3459 of Innocent Owner's Defense]

SUPERIOR COURT OF NEW JERSEY
Theodore W. Trautwein
Court House, Assignment Judge
Hackensack, New Jersey 07601

March 21, 1979

Mr. Salvatore Moretti
391 B Park Street
Hackensack, New Jersey 07601

Dear Mr. Moretti:

I am in receipt of a copy of your letter of March 19, 1979 to my Court Administrator, Dr. Contrad J. Roncati.

It is apparent from that letter that you misconceive the function of a court administrator and, indeed, the court itself vis-a-vis a litigant's relationship with his attorney. The basic function of a court is to hear cases and decide them. The court is barred from giving legal advice or from advocating the cause of one litigant against another. The court administrator serves the court in the matter of day to day non-judicial business. Neither the court nor the administrator dare interpose themselves into the relationship of an attorney and his client. If you are dissatisfied with your attorney, then discharge him and get another. Hence, I deeply resent the tone and quality of your demands set forth in your letter, to wit:

_1__ Demand that the court determine how your rights can be restored. (Retain another attorney and file a motion to reinstate any dismissed cases.)

_2__ A belief that it is the duty of the court administrator to provide injunctive relief to prevent construction of an office building. Only the court can do this and only upon proper application and requisite proof. (Not simply writing self-serving, ex parte letters.)

_3__ Our courts are above politics and bias. I resent your implication to the contrary and suggest that you follow the rules and not by ex parte letter-writing attempt to improperly influence the court under the guise of inadequate legal representation.

In closing, you are advised to discontinue writing and calling the court or its staff ex parte. There will be no further response from the court or its staff to such conduct.

Once again, I urge you to seek new counsel. If you are having

difficulty on that score, call the Lawyers Referral Service of the Bergen County Bar Association for assistance. The telephone number is 488-0032.

Very truly your,
(s) Theodore W. Trautein,
Assignment Judge,
Bergen County

TWT/dtc
cc: Dr. Conrad J. Roncati, Trial Court Administrator

BRIEF ON BEHALF OF DEFENDANT-RESPONDENT, CITY OF HACKENSACK

	SUPERIOR COURT OF N. J.
Salvatore Moretti,	APPELLATE DIVISION
Plaintiff-Appellant	Docket No. A-001901-98T2
v.	(Law Div. . BER-L-5678-97)
United Water Resources, Inc., City of Hackensack, State of New Jersey,	ON APPEAL FROM:
Defendants-Respondents	N. J. SUPERIOR COURT LAW DIVISION
	HON. ISABEL B. STARK, J.S.C.

Of Counsel and on the Brief, RICHARD E. SALKIN, ESQ., 50 Main Street, Hackensack, New Jersey 07601, (201) 342-3626, Attorney for Defendant City of Hackensack

PROCEDURAL HISTORY

Plaintiff filed Complaint BER-L-5678-97 on June 17th, 1997. Defendant, City of Hackensack, was served on September 18th, 1998. On September 23rd, 1998, the City of Hackensack filed a Motion returnable October 9th, 1998, to dismiss the Complaint, as to the City of Hackensack, due to a failure to state a claim upon which relief may be granted. Oral argument was presented on October 9th, 1998, before the Honorable Isabel B. Stark, J. S. C. Judge Stark filed an Order dismissing the Complaint on October 14th, 1998. Plaintiff filed a Notice of Appeal on or about November 24th, 1998. Plaintiff served copies of the transcript of the October 9th, 1998 hearing of Hackensack's Motion to this Court and Defendant Hackensack on May 19th, 1999.

STATEMENT OF FACTS

[As this is an appeal from a determination that the subject Complaint should be dismissed for a failure to state a claim upon which relief can be granted R. 4:6-2(e), the facts set forth are those alleged in the Complaint (Pa 149-Pa 170).]

1. Plaintiff is the owner of a twenty (20) unit multiple dwelling located at 391-395 Park Street in the City of Hackensack. Pa. 149-150 (numbered Paragraph 1), Pa. 150 (numbered Paragraph 3).
2. On or about April 2nd, 1997, water services to the multiple dwelling and its occupants ceased due to plaintiff's refusal to pay a significant balance due on his water bill. Pa. 150 (numbered Paragraph 3), Pa. 151 (numbered Paragraph 7), Pa. 154-156 (numbered Paragraph 18), Pa. 156-157 (numbered Paragraph 19).
3. Due to lack of water services to the occupants of the multiple dwelling, relevant officials of the City of Hackensack ordered the premises vacated on or about April 2nd, 1997, Pa. 150 (numbered Paragraph 3 and 4) Pa. 151 (numbered Paragraph 6).
4. Plaintiff alleged excessive property taxation by the City of Hackensack yet disclosed unsuccessful tax appeals before the County Tax Board and the Tax Courts Pa. 151 (numbered Paragraph 6).

POINT I.

THE DISMISSAL OF THE COMPLAINT, AS TO THE CITY OF HACKENSACK, BY THE LAW DIVISION WAS AN APPROPRIATE APPLICATION OF R. 4:6-2(E) AND SHOLD BE AFFIRMED.

R. 4:6-2 provides that a Defendant to a Complaint may, at its option, raise the defense of failure to state a claim upon which relief can be granted prior to filing an Answer. A Court's role in deciding a Motion pursuant to R. 4:6-2 is to examine the legal sufficiency of the facts alleged on the fact of the Complaint. Printing Mart -vs- Sharp Electronics, 116 N.J. 739, 563 A. 2d 31 (1989). The facts pleaded are accepted as true for purposes of the Motion. P & I Auto Body -vs- Miller, 72 N.J. Super 207, 178 A.2d 237 (App. Div., 1962). When the factual allegations are palpably insufficient to support a claim upon which relief can be granted, dismissal by the Court as a matter of law is mandated. Reider -vs- State D.O.T., 221 N.J. Super, 547, 535 A.2d 512 (App. Div., 1987).

Plaintiff alleged, and the City of Hackensack agrees, that when water service to Plaintiff's property was cut off due to Plaintiff's

refusal to pay his water bill, the City of Hackensack ordered the property vacated.

Indeed, not only did the City of Hackensack have a right to order the property vacated; it had a duty to do so. As stated in N.J.S.A. 40:48-2.3 "unfit buildings; police power authorized":

"Whenever any municipality of this State finds that there exists in such municipality any building or buildings which are unfit for human habitation or occupancy, or use due to defects increasing the hazards of fire, accidents or other calamities, lack of ventilation, light or sanitation facilities, or due to other conditions rendering such building or buildings, or part thereof, unsafe or unsanitary, or dangerous or detrimental to the health or safety or otherwise inimical to the welfare of the residents of the municipality, power is hereby conferred upon such municipality to exercise its police powers to repair, close, or demolish such building or buildings" (Emphasis supplied).

Not surprisingly, Hackensack City Ordinances also require the provision of a plentiful supply of water to occupants of residential property.

Hackensack City Code Section 114-2B(9) entitled "Enumeration of Nuisances", specifically provides that a nuisance exists under the following circumstances:

"Allowing any building to be occupied as a tenement house, apartment house, dwelling house or factory building without a plentiful supply of pure water suitable for domestic or personal requirements by any person who is responsible for such provisions by reason of ownership possession or agreement or in which the water supply has been turned off for any reason, except to repair faulty plumbing."

Indeed, the Property Maintenance Code in effect in the City, Hackensack City Code Section 100-1 et seq. Entitled AHousing and Property Maintenance (BOCA Property Maintenance Code/1993) provides that with respect to the provisions of a water supply and plumbing facilities:

"...a person shall not occupy as owner occupant or permit another person to occupy any structure or premises which does not comply with the requirements of this Chapter (PM-501.2)".

Whatever the issues between Plaintiff and Co-Defendant, United Water Resources Inc., if any, the City of Hackensack had no choice but to order Plaintiff's property vacated in April, 1997.

Thus, on the "theory" advanced by Plaintiff that the City of Hackensack is in any way liable to him for its action, the Complaint failed to state a claim upon which relief can be granted.

The other theory advanced by Plaintiff in the Complaint is, apparently, one advancing the notion that his property tax assessments, dating back as far as 1976 (Pa.158), and since that time have been excessive (see also Pa. 151, numbered Paragraph 6 and Pa. 167-168, numbered Paragraph 6 and Pa. 167-168, numbered Paragraph 42[sic]), this, it is inferred, advances the argument of inverse condemnation;

As stated by the Law Division when granting the City's Motion to Dismiss:

"Plaintiff asserts over-taxation but has been through Tax Court". Pa. 1

Here, too, Plaintiff failed to state a claim in the Complaint upon which relief could be granted.

CONCLUSION

The Complaint filed in this matter, as it pertains to the City of Hackensack, is deficient. Where decipherable, it is nothing more than a diatribe by a pro se litigant who seems to think that people should live without benefit of water in their homes and that his taxes are too high.

If ever there was a Complaint that R. 4:6-2(e) envisioned as appropriate for dismissal for failure to state a cause of action upon which relief could be granted, it is now before this Court.

The October 14th, 1998 Order entered by Judge Stark in this matter should be Affirmed.

Respectfully submitted,

(s) RICHARD E. SALKIN, ESQ.

Attorney for Defendant, CITY OF HACKENSACK

RESOLUTION 260. Enacted August 17, 1992 by the City of Hackensack states in full, as follows:

WHEREAS N.I.S.A. 26:3-45, et seq. and N.I.S.A. 40:48-2.12, et. seq. authorize municipalities to regulate the use and occupation of buildings and structures so as to prevent and abate conditions therein which are harmful to the health and safety of the occupants of said buildings and structures and the general public in the municipality; and

WHEREAS Section 114-2B(10) of "The Code of the City of Hackensack, New Jersey" declares that allowing a tenement house, or a dwelling house, to be occupied without a plentiful supply of pure water is a nuisance; and

WHEREAS the premises known as Lot 22, Block 418, commonly known as 391-397 Park Street, in the City of Hackensack, is a multiple dwelling containing approximately twenty (20) living units, most or all occupied by residents; and

WHEREAS, according to the tax records of the City of Hackensack, said property is owned by one Salvatore Moretti of 390 Park Street, Hackensack, New Jersey, and

WHEREAS, the Health Officer of the City of Hackensack has advised the Mayor and Council of the City of Hackensack as follows:

1. Water service to the aforementioned property is provided by the Hackensack Water Company.

2. The Hackensack Water Company Account Number for the subject property is: Y 0618519050-1.

3. The present balance due on the subject account is $9,329.62, according to representatives of the Hackensack Water Company.

4. Despite repeated requests by the Hackensack Water Company the owner of the property has refused or otherwise failed to pay the water bill.

5. Between approximately August 10th and August 17th, 1992, the Hackensack Water Company, pursuant to its procedures, caused the water service to the subject property to be turned off. Service was only temporarily reinstated due to

the intercession of the Health Officer of the City of Hackensack and the humanitarianism of the Hackensack Water Company directed to the residents of the property.

6. The Hackensack Water Company, as of the morning of August 17th, 1992, has, again, turned off the water supply to the property due to the non-payment of the bill; and

WHEREAS, the Health Officer of the City of Hackensack has advised that the lack of a supply of water to the residents of the subject property clearly constitutes a condition harmful to the health and safety of the occupants of the subject property and would further be harmful to the health and safety of the general public of the City of Hackensack; and

WHEREAS, N.J.S.A. 40:48-2.12f authorizes municipalities to abate nuisances, correct a defect, or put premises in proper condition at the cost of the property owner so as to comply with applicable ordinances and laws; and to expend public monies for same; and charge such expenditures against the premises; and create a lien against the premises;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Hackensack, as follows:

1. The shutting off of the water supply by the Hackensack Water Company to the premises known as Lot 22, Block 418, commonly known as 391-397 Park Street, Hackensack, New Jersey, due to the non-payment of the balance due on Account Y 0618519050-1, and the resulting lack of the provision of supply of pure water to the residents therein be and hereby is declared to be a nuisance posing a clear and present threat to the health and safety of the residents therein and the community-at-large; and

2. The appropriate City officials be and hereby are, authorized to take all necessary steps and actions to re-establish a supply of water to the residents of the subject premises. Such steps shall include, but not be limited to, the payment of the past due balance to the Hackensack Water Company of $9,329.62 and/or arrangements made between the City of Hackensack and the Hackensack Water Company for the guarantee of payments for future water use at the

subject property on and after August 17th, 1992; and

3. If such payment or any part thereof shall be made by the City of Hackensack, it shall be deemed to constitute a lien on the property. Proof of such payment, as well as a certified copy of this Resolution, shall be presented to the Tax Collector of the City of Hackensack, who shall then cause such amount to be entered as a lien on the property according to law.

HACKENSACK MUNICIPAL JUDGE DINICE - WATER COMPANY CASE TRIED FROM AUG. 19-DEC. 3, 1999.

From August 17, 1992 (Aug 19, & 26) to December 3, 1992, Judge Louis Dinice conducted a series of judicial trials which produced eight transcripts, five of which were finally produced for the appeal court by March 11, 1993, too late for the March 8, 1993 Oral Argument in the Motion to Dismiss to be heard before Judge Harold A. Ackerman, J.U.S.D.C. As a result the trial which concluded December 3, 1993 has unfortunately not been produced in transcript form until over three months later by the trial court. The five transcripts that were produced are dated as follows, (paginated as T, T2, T3, T4, T5-1 etc.):

1. September 2, 1992
2. October 7, 1992
3. October 28, 1992
4. November 4, 1992
5. December 3, 1992

When [Judge Louis] Dinice is confronted with this billing dispute, he does not consider it, and suggests that he may do so and enforce an illegal bill which is already before the superior court law division and on remand from Appellate Judge Kestin. Indeed plaintiff-appellant's arrest was in court while addressing Judge Fitzpatrick in court - clearly a fact issue to consider as to whether Dinice acted outside his jurisdiction. Dinice's comments about the billing dispute

follow: (T9-3)

"Quite frankly, I don't care if you have a bill dispute with the water company. I only care that you provide water."

Upon the advise of the prosecutor, Dinice suggests seizing the rents in order to pay the water bill. (T1.22-8)
The Court: I had suggested various ways the City could go about this. One of the ways I suggested the City go about it, that he's receiving rent subsidy from the county. Why should he get this money on a monthly basis and the city have to pay the water bill?
Mr. Amoroso: Well, the City Attorney, Judge, would move for a rent receiver. That would be the City Attorney's responsibility, to move for a rent receiver and begin.
The Court: Well, why don't you coordinate that with him?

Plaintiff-appellant draws into controversy the bill dispute with Dinice as follows:
(T1.24-25)
Mr. Moretti: I think it's an issue of a fraudulent bill.
The Court: It might be. But it's not an issue for this Court.
Mr. Moretti: It's a fraudulent bill which charges $10,000 in the –
The Court: I don't want to hear about that.
Mr. Moretti: –last few months –
The Court: I don't want to hear about that.

Plaintiff-appellant suggests to Dinice that if the city is genuinely interested in the welfare of the tenants (who cannot pay inflated rents based upon the number of non-payment of rents suits which have been filed - about fifty) it should have filed legal action against the water company, not plaintiff within.
(T1.27-1)
Mr. Moretti: If the water company was proceeding as an independent contractor, it would be sued by the city for

shutting off the water.

Dinice denies this responsibility. He claims that he need not consider the billing dispute at all, but rather merely decide to prosecute on behalf of the water company.
(T3.10-9)
The Court: I will not take into consideration what you owe the Hackensack Water Company...even if you've been bilked by the Hackensack Water Company. I don't care...You're the landlord. You're responsible.

Dinice denies discovery. He states at T1-15.21, "there's no interrogatories and I'm not going to permit interrogatories, all right?"

Dinice denies pendent jurisdiction with the superior court despite the prior filing in the superior court of Moretti v. Hackensack Water Co. and Board of Regulatory Commissioners, Docket No. BER-L-8191-92, nor of his interruption of proceedings while on remand from the appellate division as follows:
(T26.2)
The Court: I think he's got a case pending in Civil Court against the Hackensack Water Company...
Mr. Moretti: You're well advised of that. I'm sure you've received a copy of the motion papers that are returnable in nine days.
The Court: In the Superior Court.
Mr. Moretti: In the Law Division, yes.
The Court: Yeah. Well I have nothing to do with that.
Mr. Amoroso: The Attorney General was here earlier on that today, judge, and advised me that it was going to be dismissed or is dismissed...
The Court: I don't want to hear about what's going on in the Law Division and Appellate Division, All right? I'm going to decide whether you provided water to the tenants.

When plaintiff-appellant examined Fasciano from the water company, the testimony was as follows:
(T3.6.19- Vol 3, p. 6, l.19)

Q: If you take a look at the list for the amount of water consumed (which Fasciano provided the court), can you read the gallon-age for the last seven quarters?
A: Yes...
Q: That's eight hundred and nineteen thousand gallons.
A: Yes.
Q: Yes. Next?
A: The next, four fifteen eight eighty-eight, the following, four twenty-five six one two, the following one million two ninety-eight five twenty-eight, the following three twenty eight ninety-two.
Q: All right. Just looking at the last two that you just read, one million and three hundred thousand, would you say that's approximately a multiple of four to one ratio exists between those two months, between, those two quarters?
A: Approximately.
Q: Okay. And if you take a look at your number four hundred thousand gallons and eight hundred thousand gallons, is that approximately a ratio of two to one?
A: Approximately, yes...
Q: Is that for three full years, thirty-six months?
A: This exhibit?
Q: Yes...
A: Yes...
Q: When you made that (exhibit) up, when you produced that certification did you take note of the amount of water being billed for?
A: Yes...
Q: Would it be approximate, as you look at it, to say that it's six million gallons?
The Court: It sounds right. Go ahead, next question.
(T3.9.9)
The Court: So far, Mr. Moretti, you're wasting the Court's time, so far. You're wasting time, And I'm going to allow you five more minutes of wasting time and then I'm going to cut you off, all right?
(T3.10.11)

The Court: What relevance is all these questions? You know, I'm going to assess you costs in this case because I think this witness' testimony and the questions you're asking this witness are totally irrelevant to the charge before this Court. What you owe the Hackensack Water Company has absolutely no bearing on this case. And I will not take into consideration what you owe the Hackensack Water Company or whether you think you've been overcharged by the Hackensack Water Company, or even if you've been bilked by the Hackensack Water Company. I don't care."

Based upon Dinice's continuing objection to consider any testimony relating to the responsibility of the water company to bill only for water consumed (pursuant to the N. J. Stat. Ann. 48:19-18.1 - "any bill or other statement presented by a person, firm, association, corporation, authority or governmental unit to a customer for water sold or supplied shall have the amount of water sold or supplied stated thereon in gallons or shall indicate thereon that 100 cubic feet of water equals 748 gallons."), Dinice finds plaintiff-appellant guilty, and imposes a fine of $500. Parenthetically, Dinice states at T5.10.9: "What I'd really like to do is I'd like to put you in a room, Mr. Moretti, an apartment for two weeks without water yourself. And then I'd like to see what you would do. But I don't have that power to do that. But that's what I would really like to do, all right? But I'm going to fine you $500, $25 costs." When plaintiff-appellant states that he intends to appeal and requests a stay of the fine due to financial difficulties, Dinice responds as follows: (T5.14.5): "Now I've incarcerated you because you refused to tell me when you're going to pay the $525, Mr. Moretti. And you continue to refuse to tell me. So I'm going to ask you one more time. If you don't answer my question I'm going to sentence you to 45 days for contempt of court. So tell me, when do you anticipate paying the $525?" Unsatisfied with the answer, Dinice orders:

"Forty-five days in the County Jail. Take him into custody."

Plaintiff-appellant states that he has a court appearance in the Superior Court Law Division to attend, whereupon Dinice states (T5.14.23) "I think you're going to be late."

The Defendant municipality John Zisa and City of Hackensack enacted Resolution 260 specifically detailing its position on the water dispute at 391-395 Park Street, Hackensack, and it applies to the period from 1992 to the present:

Source: The Bergen News, Wednesday, August 30, 2000
Page 5.

BC prosecutor actions needs local investigation
By Assemblyman Charles K. Zisa (D-Dist. 37)

AI am compelled to bring to your attention serious issues raised in correspondence from Bergen County Prosecutor William Schmidt and Deputy First Assistant Prosecutor Richard Muti, addressed to Bergen County Executive William Schuber and the Bergen County freeholders.

Mr. Muti makes disturbing allegations about the climate of the Prosecutor's office in a very strongly worded six-page letter, questioning Mr. Schmidt's ability as an administrator or (sic) programs and personnel. Mr. Muti's abrupt and unprofessional termination seems to illustrate his allegations. It is also my understanding that personnel are afraid to disagree or question his actions and decisions, therefore his decision making process is flawed due to this lack of input.

One of my concerns, which is raised in Mr. Muti's correspondence, is Prosecutor Schmidt's outlined use of forfeiture funds to purchase an office building, contrary to the Legislature's intended purpose. These funds should be utilized to defray the costs of investigations and/or the purchase of surveillance and investigative equipment, not for the purchase of luxurious office space for the Prosecutor's office. I have raised this issue in the past and have in fact introduced legislation to address the process of disbursing forfeiture funds. Prosecutor Schmidt's oversight of the

forfeiture program needs to be reviewed, particularly in light of the suggestion that a large amount of funds are being hoarded without a strategic plan for their use.

Additionally, it appears that Prosecutor Schmidt is overstepping the bounds of his office by infringing on operations conducted by local police department. This has resulted in an increase in his staff and has placed a burden on his overall budget. Prosecutor Schmidt's zealousness in overextending the responsibilities of his office is highlighted by assigning personnel to patrol local mall parking lots and the registration of sex offenders under Megan's law with his office than with local police departments as specified by law. Additionally, Schmidt's prevention of local police departments from forming an interagency burglary squad placed an unnecessary burden on his own office staff and budget.

The questionable administration of his office is further illustrated by the fact that in 1999, the Narcotics Task Force investigated 132 cases and made 217 arrests while in com- (continued on page 8) parison during the same year, the seven member Hackensack Police Department Narcotics Division investigated 410 cases and made 313 arrests. My understanding is that he has assigned investigators to a number of other agencies offering little or no benefit to the Bergen County taxpayer. It would seem that his motive for this is so that the Prosecutor's Office can share in the seized assets.

Due to the seriousness of the accusations levels at the Prosecutor and concerns that I have as an elected official and law enforcement officer, I am formally requesting that your office conduct an investigation of the Bergen County Prosecutor's Office, with particular attention to the following areas:

- Conduct a review of overall operations of the Prosecutor's Office and an analysis of job functions.
- Examine the need for the Prosecutor's Office to expend approximately $5 million for a building expansion program.

- Examine the appropriateness of using forfeiture funds to purchase property and conduct an accounting of the fund to determine what funds have been used for in the past.
- Examine Prosecutor Schmidt's conduct with reference to his handling of Mr. Muti's termination and the overall atmosphere in the office regarding the ability of employees to engage in open conversation concerning potential improvement sin the operation of the agency.

I look forward to hearing from you in this regard, and would appreciate your contacting me to discuss this matter.

Editor's note: Assemblyman Zisa's District 37 includes Bogota, Englewood, Hackensack, Fort lee, Leonia, Ridgefield Park, Teaneck. This letter was originally sent to State Attorney General John J. Farmer Jr. And is reprinted here with permission.

The September 8, 2000 edition of the Record, Hackensack, New Jersey page L-1 states as follows:

Zisa fails to ignite probe of Schmidt. Use of criminals' money rule OK.

The state attorney general has rejected a request by Hackensack Police Chief Charles "Ken" Zisa for an investigation into the propriety of a plan by Bergen County prosecutor William H. Schmidt to use funds forfeited by criminals to buy a new office in Paramus.

Zisa asked for the investigation in an Aug. 21 letter to Attorney General John Farmer. The chief, who is also a state assemblyman, said forfeiture funds should be used for investigative purposes and not for the purchase of luxurious office space for the prosecutor's office.

The attorney general found no problem with Schmidt's use of the funds for the building or other projects. Debra L. Stone, an assistant attorney general, said in a two-page letter to Zisa dated August 28, 'We have uncovered nothing untoward in

the expenditure of funds by the Bergen County Prosecutor's Office'.

She also rejected Zisa's request for a wider study of how Schmidt used the funds. 'There is no indication that Prosecutor Schmidt is misallocating resources,' she wrote.

Instead of putting the matter to rest, however, the attorney general's conclusion brought new life to the case, prompting a round of bad-mouthing.

Saying he intended to send alone new information about Schmidt's activities, Zisa on Thursday questioned the prosecu-
[See Prosecutor Page L-3]
or's fitness to serve as the county's top law enforcement official.

The chief cited allegations by Richard Muti, who had been third in command under Schmidt, that the prosecutor misled the county freeholders last year when he outlined the cost of another building purchase in Hackensack. Schmidt denies that.

"I think it all goes to his fitness to serve in that office," said Zisa. "And I think the attorney general should review that."

Schmidt, however, said there was nothing new in Zisa's claims. He said his office had discussed the allegation with the attorney general, who chose to do nothing.

"It's typical Ken Zisa - there is no substance," Schmidt said. "If anybody's conduct should be looked at it's Ken Zisa's".

Zisa's initial request came amid a bitter controversy over Schmidt's plan to spend $7 million to buy and refit a two-story, 56,000-square-foot office building on Eisenhower Drive. About $2.5 million would have come from forfeiture funds.

Schmidt argued that the plan was a cost-effective way to resolve the long-standing problem of cramped and dingy offices at the Bergen County Courthouse. The freeholders approved the plan Aug. 9.

But the issue emerged again six days later when Muti, a Deputy First Assistant Prosecutor, denounced his boss's proposal in a letter to the freeholders. Muti said the plan was a significant waste of public resources.

Muti questioned why Schmidt continued to expand his

office when crime is declining and more and more cases are resolved through plea bargains, which use fewer resources than taking a case to trial. Within hours, Schmidt fired Muti. But his assertion prompted Zisa to seek the investigation by the attorney general. Zisa said Thursday he would renew that request based on allegations contained in a second letter written by Muti that was sent after he was fired to County Executive William "Pat" Schuber.

Among several allegations in that letter, Muti said Schmidt told the freeholders in April 1999 that it would cost about $500,000 to buy and renovate a house on Golf Place in Hackensack for use as a child victim interview center. In reality, Muti said, Schmidt knew that an architect had calculated that the word would cost about $600,000.

Schmidt explained the discrepancy two weeks ago by saying he had scaled back the project before he went to the freeholders. He called Muti's claims "garbage spewed out by an angry, vindictive man."

Complaint Filed April 30, 1998 in Superior Court, Bergen County, N. J. by United Water Resources, a.k.a. Hackensack Water Company (prior name)

JOHN P. WALLACE
216 East Ridgewood Ave.
Ridgewood, New Jersey 07450
Tel: (201) 445-3533
Attorney for Plaintiff,
United Water New Jersey

STAMPED SUP. COURT BER.
FILED APR 30, 1998
JOHN GOODMAN, DEPUTY CLERK

SUPERIOR COURT OF NEW JERSEY
UNITED WATER NEW JERSEY, Plaintiff
v.
SALVATORE MORETTI, Defendant.

LAW DIV.: BERGEN CTY
DOCKET NO. L-4114-98
Civil Action
COMPLAINT

Plaintiff with offices at 200 Old Hook Road, in the Borough of Harrington Park, County of Bergen, State of New Jersey complaining of defendant, says:

FIRST COUNT

1. At all times hereinafter mentioned, the plaintiff was and is a public corporation of the State of New Jersey and a public utility as defined in Title 48 of the New Jersey Statutes.

2. At all times hereinafter mentioned the defendant was and is the owner of premises commonly known as 391-395 Park Street in the City of Hackensack, County of Bergen, State of New Jersey.

3. Between October 14, 1992 and April 16, 1997 the plaintiff provided water service to the defendant at the aforementioned premises and issued bills for such water services to the defendant, according to the rates permitted in the Hackensack Water Company Tariff.

4. Defendant has failed to pay any part of the account now owed to plaintiff, which exclusive of interest, amounts to $15,601.98.

5. Plaintiff has demanded payment of the said amount, but defendant has refused to make payment.

WHEREFORE, plaintiff United Water New Jersey demands judgment against defendant Salvatore Moretti on this Count for damages, together with interest, costs of suit and attorney's fees.

SECOND COUNT

1. Plaintiff, United Water New Jersey repeats the allegations set forth in the first Count of the Complaint as if set forth herein at length.

2. Defendant, Salvatore Moretti is indebted to plaintiff by reason of a certain book account, a true copy of which is annexed hereto and made a part hereof designated Exhibit A.

3. No part of the amount set forth on Exhibit A has been paid by defendant to plaintiff, all to plaintiff's damage.

WHEREFORE, plaintiff, United Water New Jersey demands judgment against defendant, Salvatore Moretti on this count against defendant for damages, together with interest, cost of suit and attorney's fees.

Dated April 28, 1998 (s) JOHN P. WALLACE
Attorney for Plaintiff, United Water New Jersey

CERTIFICATION

The undersigned certified pursuant to R. 4:5-1 that to the best of his knowledge the within matter in controversy is not the subject of any other pending court action or any pending arbitration proceeding, and no such court action or arbitration proceeding is contemplated at this time by the party filing this pleading. The undersigned certified further that the party filing this pleading is not, at this time, aware of any other party who should be joined in the within matter.

Dated: April 28, 1998 (s) JOHN P. WALLACE
Attorney for Plaintiff, United Water New Jersey

On page 25 of plaintiff-appellant's May 18, 1993, the sixty-nine page brief Judge Ackerman objects to, there appears a table of **Eight Comparable Apartment Buildings** showing gallons of water consumed in the prior year, and cost of same in comparison with the subject property, 391-397 Park Street, Hackensack. The table is reproduced below: **(Apartment House Water Consumption)**

COMPARABLE	GALLONS LAST THREE MONTHS	COST FOR THE LAST 3 MONTHS	GALLONS LAST 12 MONTHS	COST LAST TWELVE MONTHS
No. 1	348,606	$1,070	1,257,588	$3,860
No. 2	460,681	1,414	1,396,050	4,285
No. 3	208,512	640	707,132	2,416
No. 4	390,960	1,200		
No. 5	368,154	1,130	1,132,480	3,476
No. 6	231,318	710	700,144	2,149
No. 7	376,299	1,155		
No. 8	214,702	659	1,201,876	3,689
PARK COURT APARTMENTS (ACTUAL)	(THREE QUARTER	AV.)		(ACTUAL)
WaterBills	681,677	$2,060	2,461,000	$7,451

SALVATORE MORETTI
390 PARK STREET
HACKENSACK, NEW JERSEY 07601
(201) 646-1414

U. S. DISTRICT COURT

SALVATORE MORETTI,
Plaintiff
vs.
STATE OF NEW JERSEY, ELLEN KOBLITZ & PUBLIC DEFENDERS OFFICE OF BERGEN COUNTY, BERGEN COUNTY PROSECUTOR JOHN FAHY, HACKENSACK CITY PROSECUTOR HENRY AMOROSO,
Defendants

DISTRICT OF NEW JERSEY
CRIMINAL APPEAL FROM THE JUDGEMENT OF THE SUPERIOR COURT OF N.J.

CASE NO.

JURY DEMAND

PARTIES

PLAINTIFF: SALVATORE MORETTI, PRO SE, 390 PARK STREET, HACKENSACK, NEW JERSEY 07601
DEFENDANTS:
STATE OF NEW JERSEY, ACTING ATTORNEY GENERAL FREDERICK P. DE VESA, OFFICE OF THE ATTORNEY GENERAL, DEPARTMENT OF LAW AND PUBLIC SAFETY, HUGHES JUSTICE COMPLEX, TRENTON, NEW JERSEY 08625, (609) 292-8740
ELLEN KOBLITZ, DEPUTY HEAD OF THE PUBLIC DEFENDERS, DEFENDERS OFFICE, 60 STATE STREET, HACKENSACK, NEW JERSEY 07601, (201) 996-8030
PROSECUTOR JOHN J. FAHY, JUSTICE CENTER, 10 MAIN ST. HACKENSACK, NEW JERSEY 07601, (201) 646-2300
HENRY AMOROSO, HACKENSACK MUNICIPAL, PROSECUTOR, C/O HACKENSACK MUNCIPAL COURT, 215 STATE STREET, HACKENSACK, NEW JERSEY 07601

JURISDICTIONAL STATEMENT

Jurisdiction of this court is invoked due to violation of plaintiff's civil rights protected under 42 U. S. C. Section 1983. The federal court has jurisdiction because there is a federal

question pursuant to 28 U.S.C. Section 1331, and original jurisdiction in district courts for actions alleging deprivations of federal rights under color of state law, 28 U.S.C. Section 1343 (a)(3).

Plaintiff is the record property owner of a 20 unit apartment house at 391-397 Park Street, Hackensack, New Jersey, the county seat of Bergen County. In the case at bar, Susan Stedtler contracted with plaintiff for the leasing of an apartment, 397-D Park Street, Hackensack, New Jersey, signing a one year lease for that apartment on August 1, 1991 for a term from August 1, 1991 to July 31, 1992, at the term rent of $7500.00. The Bergen County Board of Social Services paid check no. 02006775 dated August 1, 1991 in the amount of $1,562.50, representing one months rent and one months security on the apartment. The Bergen County Board of Social Services subsidized Stedtler's rent in full for the first few months. On December 13, 1991 plaintiff received a letter in re BC-32016, 397 Park St., Apt. D, Hackensack, N. J. stating "enclosed please find a subpoena of the Bergen County Board of Social Services requesting that you supply certain information to us. The subpoena requires that you supply us with the following information: (information requested deals with occupancy of Susan Stedtler's apartment, 397-D Park street, Hackensack), signed by Joseph Varga, Investigator from BCBSS, 216 Route 17 North, 17 Park Office Center, Bldg. A, Rochelle Park, N. J.

On December 29, 1991, plaintiff replied to BCBSS stating that the information did not appear pertinent to the occupancy of the apartment since there was no tenancy shown other than that of Susan Stedtler at 397-D Park Street, Hackensack, N. J.

In the first month of the occupancy of Susan Stedtler plaintiff noted that there were a number of welfare recipients at 391-397 Park Street, Hackensack (known as Park Court Apartments) who were not receiving the supervision which they required to live peacefully at the apartment house. Plaintiff noted for example that Renee Jones was living at one

apartment, 391-G Park Street, and that while receiving BCBSS subsidy, she was experiencing difficulties - landlord tenant action LT-036364-91 was heard on June 21, 1991. A subsequent landlord tenant action was heard on September 4, 1991 before Hon. Ralph A. Polito, J.S.C., in which a judgment for possession was issued effective September 16, 1991 subject to Jones paying $1,931.00. In fact, BCBSS did pay the required amount, issuing check no. 02511042 dated September 4, 1991 for $2,580.00, for R. Jones. By letter of September 3, 1991, BCBSS notified plaintiff that $645.00 per month would be paid on behalf of Renee Jones in Apt. 391-G Park St., Hackensack. In fact, on February 18, 1992 plaintiff filed suit against Jones for $1,307.00. Jones was still in occupancy of Apartment 391-G on April 6, 1992 when a warrant of removal issued.

BCBSS had filed suit in the Chancery Division, Family Part, on behalf of Paula Price of 397-I Park Street, Hackensack, against Raymond Jones, FD-02-652-91-A on August 10, 1990, as to a paternity action naming Jones, who resided with his relative Renee Jones at 391-G Park St.(as well as at 4-70 Rock Creek Terrace, Englewood, N.J.). Paula Price signed a lease for an apartment at 397-I Park Street, Hackensack on November 2, 1988, and resided there with support payments from the Housing Authority of Bergen County. The last payment issued by the Housing Authority of Bergen County (hereafter, HABC) was Check No. 152628912 for $657.00 received October 1, 1991.

Paula Price stabbed Raymond Jones on June 12, 1991, while Jones was staying with his relative, Renee Jones, Hackensack Municipal Court Docket No. C-91-1403, W-0295968 (aggravated assault with a knife). Paula Price was charged with theft on July 4, 1991, C-91-1556, Complaint no. S-0935355 and she was charged again with assault on July 4, 1991, Docket No. C-91-1557 and Complaint S-0935356.

In fact, these difficulties experienced with Jones and Price pertained to others in the apartment complex, leading to non-payment of rent and filing of landlord tenant actions against apartments 397A, 397E, 397F - tenants from each of these

apartments left the building in 1992. In fact, other tenants with good payment histories left as well, but stated to plaintiff that they were not able to continue living in the building under such adverse conditions, namely tenants at 397-C, 397-G, 397-H, and 397-J. Tenants receiving rental subsidy from BCBSS were the victims of reported break-ins by the police at 397-B (Salvatore Moretti vs. Edwina Alexis, et al.,- N. J. Appell. Division Docket No. A-2934-92-T2, opinion filed Nov. 15, 1993 dismissing appeal) and 397-J. One hundred percent turn-over in tenancy occurred in the time period from June, 1991 to November, 1992.

Due to the above noted experiences with BCBSS and HABC subsidized tenancies, and due to the experiences noted in litigation (Salvatore Moretti vs. Zisa, et al., Docket No. 92-4206 appealed to the Third Court of Appeals Case No. 93-5416), plaintiff was required to maintain an on-site office and act in protection of his property interests. He incurred the loss of three years rental from Apartment 391-B Park Street in the amount of $22,500.00, and similarly three years rental of $22,500 from 390 Park Street, Hackensack, totaling $45,000.00.

The financial loss was not the entire loss. Plaintiff was required to maintain security on the premises, and doing so was strained due to the breaking down of the steel door of Alexis (397-B), of Stedtler (397-D), and of other doors at the building. In the case of Stedtler, the break-ins occurred from the inception of her tenancy, due to the ongoing acts of third parties. At move-in, plumbing repairs were required to the toilet in the Stedtler apartment, and while doing repairs it was discovered that Stedtler was not in control of who her visitors were. She was kept in her apartment by a series of illegal entries and on one occasion plaintiff was called upon to physically remove one visitor, who later threw a rock threw her window. The visitor refused to leave after Stedtler he do so and plaintiff was forced to remove the visitor. This uninvited "visitor" later threw a stone threw Stedtler's window, requiring the expenditure of $180.00 to replace three

windows. Another typical incident occurred when plaintiff was changing a light bulb when he noted that a "visitor" to the Stedtler apartment exited from the apartment. The "visitor" approached from behind plaintiff and committed an assault and battery on him on the front lawn, rendering him unconscious. Plaintiff also noted that unwanted intruders banged down Stedtler's front door, leaving the door cracked. It was quite apparent as time went on that Stedtler was being harassed and plaintiff acted in protection both of his property interests and in protection of the leasehold status of Stedtler.

On May 8, 1992, at 10:30 p.m. Susan Stedtler was arrested at 397-D Park Street, Hackensack, in her apartment. She was arrested under Warrants issuing out of the Hackensack Municipal Court, W337667, W374773, W374774, and W337666. Plaintiff requested a copy of the Hackensack Police Report on May 20, 1992. No report was forthcoming. Plaintiff apeared before a Superior Court Judge Gaeta to enforce the subpoena of records dated June 10, 1992 on Stedtler, but Judge Gaeta failed to order the turn-over of the records pertaining to Stedtler. Judge DiGisi reduced bail when Michael Ravin, Esq. 45 Essex St., Hackensack appeared on a bail reduction hearing; the bail was reduced to $7500.00. The charges filed against Stedtler were (1) conspiracy, (2) possession of a Controlled Dangerous Substance, and (3) Distribution of a Controlled Dangerous Substance within 1000 feet of a school.

For the further detailing of the Stedtler matter, plaintiff hereby incorporates that portion of a complaint he filed, Salvatore Moretti vs. Louis J. Dinice and Timothy J. Sullivan, 93-528, U. S. District Court, Newark, N. J., to wit:

Susan Stedtler Case

On December 12, 1992 Susan Stedtler was arraigned before the Hon. Timothy J. Sullivan, J.S.C., before the Superior Court, Criminal Division, Hackensack, New Jersey. The Arrest Warrants issuing out of the Hackensack Municipal Court pursuant to her May 8, 1992 arrest and incarceration were W337667, W374773, W374774, and W337666. The charges were Distributing Cocaine, 2C:35-7; Conspiracy to Distribute

Cocaine, 2C:5-2; Distributing Cocaine to an undercover officer, 2C:35-5(a)(1)(b)(5); Possession of Cocaine with intent to sell, 2C:35-5(a)(1); Distribution of Cocaine within 1000 feet of a school, 2C:35-7; Possession of Cocaine, 2C:35-10. Susan Stedtler was a tenant at Apartment 397-D Park Street, Hackensack (Park Court Apartments) on May 8, 1992. Ms. Stedtler was incarcerated at the Bergen County Jail Annex under $7,500 bail. She was bailed out by plaintiff who was surprised that the Bergen County Board of Social Services had subsidized the Stedtler occupancy of 397-D Park Street, and then abandoned her to such a grim fate - a jail cell - without advising plaintiff of an arrest record or similar problems in her tenancy. This SSI tenant was under leasehold, her apartment term of rent August 1, 1991 to September 30, 1992. BCBSS stopped rental assistance. Stedtler moved during 1992 and was re-arrested on October 1, 1992. Her bail was forfeited and she was re-incarcerated under arrest warrants issuing out of the Hackensack municipal court, W07607-92, and W-07607-93. She was indicted and arraigned by the Bergen County Prosecutor's Office under, Criminal Complaint, S-1788-92-04.

The nature of the pre-trial press coverage is an indication of why her treatment at the hands of the Hackensack Municipal Court, and Bergen County Prosecutor's Office may be suspect:

News Item - The North Jersey Herald & News. Saturday, October 3, 1992:

DRUGS STASHED ON 4-YEAR OLD: Cops Find Coke, Pot on Girl

HACKENSACK - Four alleged drug dealers who purchased several hundred dollars in cocaine and marijuana in New York - and then stashed the cache in the jacket of a 4-year old girl - were nabbed by police yesterday.

The suspects, all city residents, were arrested late Thursday afternoon as they returned to a Second Street apartment complex, said Chief John Aletta. Two narcotics detectives had been alerted to their trip an hour before the four returned from the Big Apple.

Detectives had been informed that the suspects would try concealing the drugs on the child, who is the daughter of one suspect, but Aletta declined to say how police were notified of the incident.

Those arrested included Jefferson Eason, 40, of Second Street; William Eason, 28, of Newman Street; Susan Stedtler, 34, of Union Street; and Tracy Haigler, 27, of East Kansas Street.

Detectives Christopher Toomey and Woody Powell spotted crack pipes and other drug paraphernalia inside the suspects' vehicle as the four pulled into the parking lot of the apartment complex, Aletta said.

The detectives immediately searched the child and found cocaine inside her jacket, Aletta said. The cache, worth several hundred dollars, was wrapped in tinfoil.

The child, daughter of Jefferson Eason, was returned to her mother, Aletta said.

Police charged the suspects with possession of cocaine, possession of drug paraphernalia, possession of marijuana, and endangering the welfare of a child. They were remanded to Bergen County Jail, but bail information was unavailable last night."

The period during which plaintiff was aware of Ms. Stedtler case was accentuated by the actions of the Bergen County Board of Social Services which (under the guise of Ms. Stedtler receiving an over-night guest), cut her off from social service benefits. Those benefits had been as follows:
8/1/92, BCBSS Check No. 02006775, $1,562.50 for Account No. V606430 (equal to one and one-half month's rent as security plus one month's rent. September's rent paid by BCBSS was Check No. 2511158 in the amount of $625.00. October's rent was paid by BCBSS #02514387 for $625.00. November's rent was the final payment received BCBSS #02517975 for $209.00. On December 13, 1992 plaintiff received a Subpoena Duces Tecum with respect to Ms. Stedtler and her having an overnight guest. The Board of Social Services is located at 216 Route 17 North, 17 Park Office Center, Building A, Rochelle Park, NJ 07662-3300. (201)368-4200 FAX(201))368-8721. The Board wrote in re: BC-32016, 397 Park St., Apt. D, Hackensack, NJ 07601.

When plaintiff attended the bail reduction hearing of Ms. Stedtler on May 20, 1992 before Hon. Bruce Gaeta, J.S.C., he was advised as to legal representation by the Public Defender's Office, to wit Michael Ravin, Esq., 45 Essex Street, Suite 102, Hackensack, N.J., and 101 Eisenhower Drive,

Roseland, New Jersey. Ravin immediately stopped representing Stedtler, and the next public defender representing Stedtler both refused to contact associates of Stedtler, and failed to present the results of any of the usual discovery motions in the case. Ms. Stedtler was in need of immediate release and requested bail reduction from her October 1, 1992 bail of $25,000, no 10%.

The difficulty of getting assistance from the court on June 9, 1992 can be seen from the following quotation from a letter to Judge Charles R. DiGisi, J.S. C., Presiding Judge of the Criminal Division of the Superior Court:

"re: Appearance of Counsel To Represent Susan Stedtler. Application by Salvatore Moretti to represent Defendant in Criminal Action presently incarcerated in the Jail at 160 South River Street, Hackensack. Dear Judge DiGisi: On May 21, 1992 I directed a letter to your Honor's attention regarding the Bail Hearing of Susan Stedtler which was held on May 20, 1992. I attended that hearing at which a public defender by the name of Michael Ravin, Esq. represented Ms. Stedtler.

I spoke to Mr. Ravin a number of times and he presently states that he is no longer representing Ms. Stedtler. I also contacted the Public Defender's Office in Hackensack on State Street to determine why Ms. Stedtler was not currently represented. Their answer was that they had no alternative to Mr. Ravin and that they were waiting word as to the determinations of the Prosecutor on the Stedtler matter.

When I inquired of the Jail Records Department and at the County Clerk's Office about the Docket No. of the Stedtler matter, I was advised that if and when I paid bail (10% of $7500), I would get the docket number in the case. My reason for inquiring about the bail was to learn about the surety and forfeiture requirements pursuant to the relevant Court Rules (R. 3:26, R. 3:26-5, etc.). Relevant information was not forthcoming.

I have been advised that Ms. Stedtler is incarcerated under Statutory Violations known as indictable offenses, and that under R. 3:27-1 - Indictable Offenses, 'Every person charged

with an indictable offense shall be advised by the court of his right to retain counsel and to have the Office of Public Defender represent him if he is indigent. If the defendant asserts he is indigent, unless he affirmatively states his intention to proceed without counsel, the court shall have him complete the appropriate form prescribed by the Administrative Director of the Courts and shall refer him to the Office of Public Defender.'

While Ms. Stedtler has been incarcerated in the jail facility on River street, Hackensack for one month, I have been unable during that time to discover the docket number or get a copy of the complaint filed against her. This complaint was apparently the result of a warrant or warrants issued in Hackensack on May 8 or 9, 1992.

The Municipal Court defers to the Superior Court due to the indictable nature of the offense, while the Superior Court claims that the arresting authority made the arrest and secured such documents relating thereto which are subject to discovery. Discovery within the municipal court system has not been forthcoming for the stated reason I am not the party defendant. Meanwhile, the lawyer representing Stedtler claims 'I am not representing Susan Stedtler any longer.' Ms. Stedtler is incarcerated and hence cannot file the papers required nor make the motions required since she is not an attorney, evident from visits in jail I have made to her.

I have made repeated attempts to gather data from the municipal police department but they claim they require that either the defendant herself made the request personally (she is in jail), or that a lawyer representing her made the request). Ms. Stedtler is indigent and her public defender attorney states he does not represent Ms. Stedtler. I have sent several letters to the Hackensack authorities, none of which has solved the above mentioned problems.

As a result of the above stated problems, I am filing an Appearance under Rule 3:8-1. (cc.: County Clerk's Office)."

Plaintiff Salvatore Moretti filed a Notice of Appearance dated June 9, 1992, as follows:

"Notice of Appearance of Legal Representation on Behalf of Defendant, Susan Stedtler, by Salvatore Moretti.

SALVATORE MORETTI, residing at 390 Park Street, Hackensack, New Jersey, hereby under oath states that:

1. I am a graduate of an approved law school of the State of New York.

2. I am familiar with the defendant in the above captioned matter since Susan Stedtler has resided at 397-D Park Street, Hackensack for ten months.

3. I have been in daily contact with her rental files during her period of rental payments since the summer of 1991.

4. I have conferred with her former counsel, a Mr. Michael Ravin, Esq. appointed by the Office of Public Defender and he states he no longer defends her. No alternative counsel has been appointed by the Office of Public Defender.

5. I am aware that Ms. Stedtler requires legal counsel at this stage of the proceedings and since none is available, I make this application to represent her legally myself before the Courts of the State of New Jersey in this Criminal Matter, said complaint being of an indictable nature.

6. This representation I understand to be subject to the approval of the Assignment Judge of the Superior Court in Bergen County, New Jersey, Hon. Charles R. DiGisi.

Dated: June 9, 1992. - Salvatore Moretti

By letter of June 10, 1992, plaintiff directed a letter to the Bureau of Criminal Identification (BCI), Hackensack Police Department, 225 State Street, Hackensack, in re: Susan Stedtler; Case Docket No.'s C92-1586-1595; Warrants W337667, W374773, W374774, W337666, Arrest - May 8, 1992 in City of Hackensack, Address: 397-D Park St., Hackensack, NJ.

Dear Sirs: I require the reports for Police Case #9202233 and #9205369 involving Susan Stedtler who is presently incarcerated in the Bergen County Jail.

On June 11, 1992, plaintiff sent a letter to Hon. Bruce A. Gaeta, Acting Assignment Judge, Room 303, Bergen County Justice Center, 10 Main Street, Hackensack, N.J. in re: Susan Stedtler, Indictment No. Subpoena Duces Tecum of

Bureau of Criminal Identification, Police Reports Nos. 9202233 and 9205369, City of Hackensack, Hackensack City Complex, 226 State Street, Hackensack, NJ, concerning a Susan Stedtler Presently Incarcerated (since May 8, 1992 in the Bergen County Jail, Arrested May 8, 1992 by the Arresting Authority - Hackensack Police Dept., Under Warrants W337667, W374773, W374774, W337666; Hackensack Municipal Cases C92-1586-1595. Heard by Hackensack Judge DiNice. Dear Judge Gaeta: By letter of June 10, 1992 and June 11, 1992, I served Notice on the Hackensack Bureau of Criminal Identification that I required copies of two police reports as above captioned. Both notices were refused, once due to the short-handedness of the police staff, finally due to a refusal to divulge any information without a subpoena.

The warrants were issued on the defendant Susan Stedtler at property owned and managed by myself during my occupancy of said property, the warrants being executed on May 8, 1992 at 10:30 p.m. or thereabouts.

Enclosed find a subpoena duces tecum to produce the requested documents.

The Subpoena Duces Tecum addressed to the Hackensack Bureau of Criminal Identification (BCI) requested Police Report Nos. 9202233 & 9205369, Upon Which Warrants W337667; W374773; W374774; W337666; Municipal Cases C-92-1586 Through C-92-1595."

The Subpoena was served upon the BCI and plaintiff appeared in Court requesting that Judge Gaeta hold the Hackensack BCI in contempt for failure to honor the subpoena. The Judge refused to do so.

Accompanying the Subpoena was an Affidavit, which stated as follows: AFFIDAVIT IN SUPPORT OF SUBPOENA DUCES TECUM ISSUING TO HACKENSACK BCI IN RE STATE VS. SUSAN STEDTLER.

THE PROPERTY OWNER OF DWELLING PROPERTY KNOWN AS 391-397 PARK STREET, HACKENSACK, NEW JERSEY WHEREUPON ISSUED WARRANTS TO CAPTURE SUSAN STEDTLER, 397-D PARK ST. AND INCARCERATE SAME TO BERGEN COUNTY JAIL; AND SAID PROPERTY OWNER TO SECURE REPORTS WHICH SUPPORT THE FINDING OF

PROBABLE CAUSE FOR THE EXERCISE OF SAID WARRANTS, HEREBY DECLARES:

1. I am the property owner of property known as 391-397 Park Street, Hackensack, New Jersey, which property encompasses a dwelling unit known as 397-D Park Street, Hackensack.

2. I rented the Apartment commonly known as 397-D Park Street, Hackensack to a Susan Stedtler during the fall of 1991.

3. I actively manage the property known as 391-397 Park Street, and am fully familiar with the details of operation of said property, including the safety and well being of the inhabitants of said buildings.

4 On or about May 8, 1992 Susan Stedtler was arrested by the Hackensack Police Department and tried by the Hackensack Municipal Court for crime or crimes committed at 397-D Park Street, Hackensack, New Jersey.

5. Said crimes were allegedly committed at or about 397-D Park Street, Hackensack and affect the moral well being of the inhabitants of said apartment project.

6. After three requests for Police Reports issued in the above captioned cases and more particularly described in the Subpoena Duces Tecum which I have prepared, the Hackensack Bureau of Criminal Identification refuses to produce copies of said reports for my inspection.

7. Under these circumstances, I am an aggrieved party and taxpayer on the dwelling premises described as the site at which the arrested party, Susan Stedtler was arrested. Susan Stedtler is a party with whom I have contracted for the payment of rent at 397-D Park Street, Hackensack, New Jersey.

8. I swear that the above statements made by me are true. I am aware that if any of the foregoing statements made by me are wilfully false I am subject to punishment.

Dated: June 11, 1992. Salvatore Moretti

On June 20, 1992, Plaintiff Salvatore Moretti paid $750.00 bail. The form reads: "Money to be returned only after case is terminated."

On November 20, 1992, Plaintiff addressed a letter to Hon. Charles R. DiGisi, Hon. Bruce Gaeta, Linda Biancardi ofthe Public Defender's Office, Ellen Koblitz, Deputy Public

Defender's Office, Michael Latona of the Bail Unit, and John J. Fahy, Bergen County Prosecutor's Office, in re Susan Stedtler. The letter reads as follows:

"I bailed Susan Stedtler out of the Bergen County Jail June 20, 1992. She was re-arrested on October 1, 1992 and has been placed in the Bergen County Jail Annex. Recently, I appeared before Hon. Bruce Gaeta to advise that I was an interested party in this case, noting that I had even paid the bail; he suggested that I file a paper in order to withdraw as bail sponsor. My purpose in appearing before him was to indicate continuing interest since the original arrest occurred on my property while Susan Stedtler was my tenant and the arrest was in the apartment-home of Ms. Stedtler.

Plaintiff has established an office on the site (of the arrest), an apartment house located at 391-397 Park Street, Hackensack, and noted that several instances have occurred in which both lack of police presence and unwanted police presence (warrantless searches) have interfered with the management of the subject premises.

As an apartment manager-owner plaintiff not only pays a huge tax bill, he also is in charge of the operation of the daily life at the building and is paid only if it is habitable - that is his job.

The Fourth Amendment to the Constitution insures a safe home for American citizens, and the invasion of the home by undesirables is not allowed under the leasehold which plaintiff required at his building.

The most recent arrest (also by the Hackensack Authorities) involves the refusal to admit to 10% bail and increased bail amount from $7500 (the prior bail to release from incarceration), to $25,000. In May, 1992, plaintiff attempted to communicate with Michael Ravin, Esq. who briefly represent Susan Stedtler, but found that he refused to handle the Stedtler matter. Most recently plaintiff contacted Linda Biancardi who has been assigned to represent Ms. Stedtler, but found that she has not attempted to get reduced bail or to secure the other relief required by Ms. Stedtler. Incarceration at the Jail Annex

on River Street is short term, but Ms. Stedtler has been there from May to July, 1992, and October to March, 1993.

Ms. Stedtler was arrested with three others and all three have been released, leaving only Ms. Stedtler in the jail annex. While the charges appear to be serious, the site of the arrest, the apparent lack of probable cause, and the failure to secure police protection in the subject neighborhood, coupled with admission of bail to some but not others suggest to me that plaintiff visit Ms. Stedtler.

When plaintiff did so on November 18, 1992, plaintiff was refused admittance by Officer Lopez. Under these circumstances, plaintiff is appending several letters thus far addressed to the courts in this case for your attention.

The order plaintiff seeks would allow for the Bergen County Board of Social Services to pay back rent and cover costs of Ms. Stedtler's current rental while plaintiff pursues remedies both in the United States District Court relating to this and other matters and in the State court system."

On December 11, 1992. Susan Stedtler was arraigned. Plaintiff received notice as bail sponsor and filed papers with the court returnable on the day of the arraignment. The papers attempted to preserve the rights of Susan Stedtler, recognizing that she had spent a number of months in jail, (presumably from May 8 to December 11, 1992 more time in jail than out) and that her appointed Public Defender was working under a load of many clients with little money for research on each file-client. Plaintiff wrote: "Salvatore Moretti, Bail Sponsor, hereby moves to join the above captioned action as a party in interest pursuant to R. 3:15-1(a) and (b) - Permissive and Mandatory Joinder involving two or more indictments or accusations tried together, involving two or more defendants, involving the threat of separate trials for multiple criminal defendants based on the same conduct or arising from the same episode.

Salvatore Moretti, Bail Sponsor, hereby moves as an aggrieved party - aggrieved by the loss of bail moneys due to the action by the State of New Jersey taken as a result of an alleged violation of N.J.S. 2C:35-7 - in which said defendant

has the affirmative defense of being arrested within her apartment, 397-D Park Street, Hackensack, New Jersey 07601 where the alleged crime(s) took place - said affirmative defense granted pursuant to the Statutory language of N.J.S. 2C:35-7.

Salvatore Moretti, property owner of residential apartment property situated at 391-397 Park Street, Hackensack, New Jersey hereby moves as the lessor who leased to Susan Stedtler, 397-D Park Street, Hackensack, New Jersey, against the State of New Jersey for breaking and entering into said leased property and conducting an illegal arrest and seizure, thusly initiating prosecution of Susan Stedtler, the defendant within. Said search and seizure, and arrest deprived Salvatore Moretti of the leasehold interests to said lessor-lessee contractual agreement.

Salvatore Moretti, resident and property owner of 390 Park Street, Hackensack, New Jersey, hereby moves for a temporary restraining order on the arraignment of Susan Stedtler due to the refusal to allow the defendant to be bailed out of incarceration from the Bergen County Jail Annex, 160 South River Street, Hackensack, New Jersey where she has been incarcerated since October 2, 1992 subsequent to the arrest on October 1, 1992. Said arraignment scheduled for December 11, 1992 is meant to compel the defendant to plead guilty to a criminal complaint lodged against her due to the long term commitment (in a short term jail facility). This refusal to allow defendant Susan Stedtler to pay bail prior to trial, is in derogation of defendant's CONSTITUTIONAL RIGHTS TO BAIL.

Bail Sponsor Salvatore Moretti hereby moves to join this action pursuant to the above causes of action which are supported by an Affidavit attached hereto and made a part hereof."

Dated: December 10, 1992. Salvatore Moretti

"Certification in Support of Order to Show Cause by Bail Sponsor:

4. I requested a copy of the complaint after I received the above information from the Criminal Case Management Unit at Room 134, Michael Latona, on 5/20/92. In my 5/20/92 letter to the Hackensack Police Dept. I stated that 'Since I manage these apartments, I am concerned about the nature of the warrants and their exercise...the Rules of Court provide R. 3:2 - the complaint (a written statement of the essential facts constituting the offense charged made under oath before a judge or other person empowered by law to take complaints) 'shall be served on the defendant at the time of service of the summons or execution of the warrant.' I would like a copy of the complaint. If this is included within the 'green paper' kindly advise.

(Plaintiff as of this date has yet to receive a copy of the complaint.)

10. As a result of the defendant's apparent abandonment by the Public Defender's Office with the refusal of Michael Ravin to represent Ms. Stedtler, I attempted to secure her legal representation myself, such representation available among many programs for graduates of law school preparing for the bar, etc. I submitted the following certification...

14. I have spoken to Ms. Stedtler's mother and family since May, 1992 relating to her being in jail and numerous other matters relating to her being released on bail, and her case.

15. As the foregoing proves, I have submitted documents to the court throughout 1992 and it is my conviction that by refusing to grant bail in the instant matter and securing her release so that Ms. Stedtler could attend court sessions while in good health, her decision to plead at the arraignment may well be secured through intimidation by the State and its representatives. I base that conclusion on the fact that Ms. Stedtler's current attorney of record, Linda Biancardi, has refused to return my calls and to speak to me about the defendant's case, even though I was the bail sponsor. Ms. Biancardi undoubtedly has a busy schedule, and simply has not been able to file the court papers required herein, such as a motion to suppress, motion for bail reduction, etc.

16. As a result of the foregoing, Bail Sponsor hereby moves that at the Arraignment of Ms. Susan Stedtler, her rights be preserved to plead innocent, that she be released on her own recognizance, and that she be provided with a safe home during the Christmas Holidays of 1992, in accord with her wishes."

Dated: December 10, 1992 (s) Salvatore Moretti

On January 14, 1993, Salvatore Moretti filed a Motion seeking an Order of Dismissal, with Sanction for Refusing to Provide Discovery. Quoting from the Brief in Support of the Motion in relevant part, there follows:

POINT ONE.

THE PROSECUTOR'S OFFICE HAS FAILED TO PERMIT DISCOVERY IN THE WITHIN CAUSE OF ACTION.

"Salvatore Moretti, an aggrieved party in the within cause of action, has appeared before Judges DiGisi, Gaeta, and Sullivan on numerous occasions pertaining to the within cause of action. In so doing, he has supplied the court with requests for discovery and has copied in the public defender's office. He has supplied subpoenas for signature and all other forms normally sufficient to provide discovery, without avail. He appeared before Judge Gaeta with Subpoena Duces Tecum to be served upon the Hackensack Police Department, the arresting authority, with the accompanying affidavit which declares as follows:

6. - ...BCI refuses to produce... The Judge(s) handling the matter at that time merely passed by this application (to represent Stedtler legally) for assistance and the necessity which required it, namely that no Motions to Suppress Evidence were made, no Motion to Dismiss was made, no Motion to Reduce Bail was effectively made, showing that the defendant is on disability, SSI, so that a $25,000 bail is too high for her to make, and hence effectively resulted in a denial of bail. No Motion for the Appointment of individual lawyers was made so that each of the four defendants would have appointed to them separate counsel. No Motion was made instructing that the "Long Stay" in jail at the Bergen County

Jail Annex would not in effect be a finding of guilt Susan Stedtler has been in jail from January 1992 until January 1993 with only brief times out of jail. Ms. Stedtler's treatment in jail has deteriorated due to the failure of her present lawyers supplied by the Public Defender's Office. That office has failed to provide assistance to the many visitors who have come to the jail and called her (Ms. Stedtler) to offer assistance.

POINT TWO.

SUSAN STEDTLER IS ENTITLED TO HABEAS CORPUS PROTECTION, SINCE HER CONSTITUTIONAL RIGHTS TO THE PRESUMPTION OF INNOCENSE AND EFFECTIVE LEGAL REPRESENTATION HAVE BEEN DENIED.

Susan Stedtler has been illegally confined in the Bergen County Jail Annex for almost a year, without a trial, and without effective legal representation. As an aggrieved party, Salvatore Moretti has not only bailed her out of jail in June, 1992, but visited her over twenty times and provided the Public Defender's Office adequate notice so that normally they should have responded - if they were active in Ms. Stedtler's legal representation. Not one phone call came back from any public defense lawyer attempting to interview Salvatore Moretti or any other friend of Ms. Stedtler in that one year's time.

Not merely has discovery been denied due to the refusal to consider any papers supplied to the courts, but Ms. Stedtler's complaints of conditions of her imprisonment have been ignored. She has stated repeatedly that third persons were harassing her in jail; the public defender's office and the prosecutor's office have looked the other way.

Salvatore Moretti has been denied visiting privileges repeatedly by the Hackensack (Hackensack was the arresting authority of Susan Stedtler) Municipal Judge who kept him waiting in his courtroom for six or more hours while the judge went through the entire calendar, only to conclude by saying at 2 p.m., 'well I'm finished for today, you will have to come back another day, we'll notify you.' On other occasions, the judge merely fined Salvatore Moretti on non-existent causes of

action, and then discovering that an appeal would be taken, incarcerated him in the Bergen County Jail Annex, the same facility used to detain Susan Stedtler. Then, visiting privileges were taken away since Salvatore Moretti was a former inmate, albeit for a matter of hours on a fine for a housing ordinance-regulation.

As a result, Ms. Stedtler was confronted with the spectacle of Salvatore Moretti (at the arraignment before Judge Sullivan on December 11, 1992) being told to 'hire a lawyer but not in criminal court, in civil court', fresh from incarceration himself, and in addition, told to 'leave the courtroom.' Rights were imperiled. This is typical of the actions complained of.

In addition, the trial date was both hidden from Salvatore Moretti so as to insure that he not be present, and interfering objections were made by her public defenders, who openly refused to discuss the case with anyone, including Salvatore Moretti. The legal papers Moretti submitted for the arraignment of Susan Stedtler were not discussed at the arraignment, and in fact, a new lawyer - D. Baer, was asked to represent Stedtler further confusing the matter.

On November 20, 1992, Salvatore Moretti...asked...to be provided with updated documentation and dates on which he could appear for the defense.

POINT THREE.

SALVATORE MORETTI IS AN AGGRIEVED PARTY UNDER THE RULES OF COURT OF THE STATE OF NEW JERSEY.

Salvatore Moretti is an aggrieved party in the within captioned criminal lawsuit. The law is settled in this jurisdiction and the below cited rules set forth an entitlement which requires adjudication. Pressler: Current New Jersey Court Rules, Comment R. 3:5-6: 'The practice prior to the 1973 amendment of the rule was the complete confidentiality of the warrant and supporting documents and the requirement that a person claiming to be aggrieved by an unlawful search and seizure, whether or nor already a defendant, apply to the court on notice to the prosecutor for the right of inspection. The Supreme Court Committee on Criminal Procedure, in its general reconsideration of the discovery rules, concluded that

a defendant should be automatically entitled to discovery of executed warrants and other supporting documents in the post-indictment situation. The Committee, however, further recommended that in the pre-indictment situation, a person claiming to be aggrieved by an unlawful search and seizure be entitled to discovery of the warrant and the supporting documents only on application. See, generally, Report of the Supreme Court Committee on Criminal Procedure, 96 N.I.L.J. Index Page 449 (1973). It should be further pointed out that even in the pre-indictment situation, the right of an aggrieved person to discovery has been liberally construed. See In re Search of C. Co. Premises, 115 N.J. Super. 262 (App. Div. 1971), which held that while all or a portion of the supporting affidavit might justifiably be withheld in an exceptional situation, the prosecutor must show good cause for such withholding or deletion in open court and in the presence of the applicant.

In this case, not only was Salvatore Moretti the neighbor and landlord of Susan Stedtler, but he was familiar with the history of legal problems in Hackensack prior to Ms. Stedtler coming into the city. As a result, he was familiar with the actions of the municipal courthouse, and the legal ramifications of the statute, which speaks in terms of an invasion of the apartment-home of the defendant as being a mitigating circumstance which should be examined.

CONCLUSION

FOR THE REASONS HEREINABOVE SET FORTH, SALVATORE MORETTI, AN AGGRIEVED PARTY, HEREBY APPLIES FOR DISMISSAL OF THE WITHIN CRIMINAL CAUSE OF ACTION AND THE GRANTING OF SANCTIONS AGAINST THE PROSECUTOR'S OFFICE.

DATE SUBMITTED: JANUARY 14, 1993, (s) Salvatore Moretti

Indictment No. S-1642-92 charges in three counts that: Susan F. Stedtler and Mark J. Smith: Count One - "on or about Jan. 25, 1992, in the City of Hackensack, in the County of Bergen aforesaid, and within the jurisdiction of this Court, did

violate NJS 2C:35-5a by knowingly or purposely distributing a controlled dangerous substance, namely COCAINE or its analog, to an undercover agent of the Hackensack Police Department and did so while on school property used for school purposes which is owned by or leased to an elementary or secondary school or school board, or while within 1,000 feet of any school property or school bus, or while on any school bus, specifically Hackensack Middle School, 360 Union Street; contrary to the provisions of NJS 2C:35-7, and against the peace of this State, The Government and dignity of the same.

Count Two.

"On or about January 25, 1992, Mark J. Smith and Susan F. Stedtler in the City of Hackensack, ..did knowingly or purposely distribute a controlled dangerous substance, or its analog, namely COCAINE, a derivative of coa leaves, to an undercover agent of the Hackensack Police Department, contrary to the provisions of NJS 2C:35-5a(1) and NJS 2C:35-5b(3), and against the peace of this State, the Government and dignity of the same.

Count Three

Same Date - possession of cocaine. Counts one and three were dismissed on the state's motion. On June 7, 1993, after being incarcerated for one year, Stedtler plead guilty. On July 2, 1993, the state dismissed counts one and three. However, Count two drew five years probation with condition of completing an 18 month drug program to run concurrent to S-1788-92-04 and S-360-93-01.

Judge Timothy J. Sullivan statement of reasons for the sentencing are: "these are the defendant's first indictable offenses and there is a presumption against incarceration. She is a risk to repeat and there is a need to deter her and others. The mitigating factors are 7, 10, and 12. The aggravating factors equal the mitigating factors."

As to Mark J. Smith, the reports indicate that it is his 6th arrest and 3rd conviction...This is his 2nd drug conviction within 1000 feet of a school...There are no mitigating factors."

The Pretrial Order dated February 1, 1993 and signed by

Judge Sybil Moses (S1642-92-01) states that all pretrial discovery has been completed except for 1000 foot issue (map, etc.) - 10 days; all pretrial motions have been considered and disposed of except for Sands, Wade. On May 3, 1993, the pretrial order signed by Hon. T. J. Sullivan, J. S. C., (S1642-92-02) state that all pretrial motions have been considered and disposed of except for Sands, Wade, Severance, and Sequestration. The parties shall be ready for trial on May 3, 1993.

An additional indictment against Susan Stedtler is S-1788-92-03, Count One charges violation of 2C:35-10A.1 Possession of CDS - Cocaine; Count Two charges violation of 2C: 24-4A - Endanger welfare of a child. Attorney for the defendant is shown to be Linda Biancardi, Esq. of Public Defenders, 60 State St., Hackensack. A guilty plea was entered by Susan F. Stedtler on May 3, 1993. Count One drew a sentence of July 2, 1993 of "five years probation with the condition that defendant enter and complete an eighteen month drug program as soon as a bed is available. Additional conditions: attend counseling at Bergen Regional; attend NA meetings. Defendant is to receive credit for time spent in custody (R. 3:21-8 181 total number of days) from 10-1-92 to 3-29-93. Count Two and Hackensack W76-793 dismissed on state's motion. Indictment No. S-1788-92 states that "the grand jurors of the State of New Jersey, for the County of Bergen, upon their oaths present as a FIRST COUNT that WILLIAM E. EASON, JERRERSON EASON, TRACY A. KERBER a/k/a Tracy A. Haigler and SUSAN F. STEDTLER, on or about October 1, 1992, in the City of Hackensack, in the County of Bergen aforesaid, and within the jurisdiction of this Court, did knowingly or purposely possess a controlled dangerous substance, or its analog, namely COCAINE; contrary to the provision of NJS:35-10a(1), and against the peace of this State, the Government and dignity of the same.

On April 5, 1993 Genevieve M. Allard wrote a letter as an Assistant Prosecutor in the Office of the County Prosecutor, County of Bergen, Hackensack, N. J. 07601 to Judge Sullivan,

as follows: "Please accept this letter brief in lieu of a more formal brief in opposition to defendants' motion for suppression of evidence. STATEMENT OF FACTS. On October 1, 1992 at approximately 3:15 p.m. Detective Toomey of the Hackensack Police Department received a phone call from a confidential informant advising him that two black males and two white females with a baby girl had left 279 Second Street in a brown Pontiac Grand Prix, bearing N.J. license plate HTY-36H, heading into New York City. The purpose of the trip was to purchase cocaine in New York. The informant told the detective that these individuals would return from New York at approximately 3:30 p.m. Based upon this information the detective set up a surveillance of 279 Second Street to await for the arrival of the Pontiac Grand Prix. At approximately 4:00 p.m. the Pontiac was observed pulling into the driveway of the aforementioned address.

At this time Detective Toomey and Detective Powell approached the vehicle while all occupants were still in the vehicle. Detective Toomey observed in plain view on the back seat floor of the driver's side, two glass smoking pipes, screens, EZ wider rolling papers, and two small glassine bags containing trace amount of what appeared to be marijuana. At this time all four occupants were placed under arrest. The occupants were subsequently determined to be William Eason, Jefferson Eason, Tracey Kerber and Susan Stedtler. After removing the adults the detective removed the child from the vehicle and retrieved from her right coat pocket a folded piece of tinfoil which contained a white rock like substance believed to be crack/cocaine..."

Linda Biancardi of the Public Defender's Office is listed as Susan Stedtler's attorney. The statement of reasons for the sentence is that "these are the defendant's first indictable offenses and there is a presumption against incarceration. She is a risk to repeat and there is a need to deter her and others. The mitigating factors are 7, 10 and 12. The aggravating factors equal the mitigating factors. (dated 7/7/93 - Timothy J. Sullivan)." A Drug Enforcement and Demand Reduction

penalty of $1,000 is imposed for this third degree crime on Susan Stedtler.

Indictment number S-1788-92 date of hearing March 1, 1992 shows that the defendant is held in jail and requests a Sands hearing, a suppression hearing - auto, and sequestration of witnesses. No dismissal of the indictment is requested, no Miranda hearing is checked off the list, no Wade hearing, no severance hearing, no voluntariness of statements (not confession) is checked off, no insanity checked off, no stipulations are attached, no defenses are checked off, such as alibi, diminished mental responsibility, entrapment, self-defense. This list was completed by Linda Biancardi and dated February 22, 1993.

A third indictment is S-360-91-01. The state of New Jersey Standard Conditions of Adult Probation show Probationer Susan Stedtler case file S-1642-92-02, S-1788-92-04, S-360-91-01 to have resulted in a probationary period of five years, with $150 to the VCCB, $150.00 to the FLF, and $3,000 to the DEDR. Driver's license is suspended for 2 years, etc.

It is remarkable that despite attending fifteen hearings before Judges Charles R. DiGisi, Judge Bruce A. Gaeta, Judge Timothy J. Sullivan, Judge Sylvia R. Moses, after filing habeas appeals with the appellate division of the state court system and with the United States District Court in Newark, after numerous letters to the public defender's office, plaintiff was never made a fact witness on behalf of Stedtler. Even more extra-ordinary is the fact that the public defender's office avoided any and all interviews with defense witnesses. As a result, the defendant Stedtler was hopelessly depressed, remaining in jail, without affordable bail, and with no visitors.

In February, 1993, Ellen L. Koblitz, deputy-head of the public defenders office, was elevated to a judgeship, 133 New Jersey Law Journal 651, and plaintiff appeared before her on at least six legal matters. Koblitz fined plaintiff in one case $2,000 under the frivolous litigation statute for seeking rent from a tenant who had been on subsidy assistance for one year, but who remained a tenant while appealing to the Dept.

of Human Services for an extension. In another instance, plaintiff was advised that he was not able to claim over-billing by a utility which admitted that it had been unable to read his meter due to an electronic malfunction. In another case, a man who had not paid his rent for sixteen weeks was allowed to remain on premises rent-free. In this case, on November 12, 1993, Judge Ellen Koblitz ordered plaintiff thrown out of court at 6:00 p.m. after waiting four hours - plaintiff had testified that he was struck in the head from behind by a bat-wielding "visitor" of a tenant on June 19, 1993 at 6:45 p.m. in front of 391 Park Street (10 feet from where he had been knocked unconscious by an uninvited "visitor" to the Stedtler apartment, 397-D. Koblitz warned not to mention this.

Other indications of judge bias occurred which suggested that the disciplinary rules for lawyers were breached and that the use of privileged information gathered from long term incarceration in jail was now employed to harass plaintiff - Koblitz replaced Judge Ralph Polito as presiding judge of the Special Civil Part, which hears landlord-tenancy actions. The rules of professional conduct for consecutive representation as state employees transferring to judicial positions in which the same apartment house is in litigation applied, as well as the code of judicial conduct.

Aggravating the foregoing was the fact that plaintiff was arrested on April 14, 1993 by the Hackensack Police Department when he went to pick up a transcript on the utility dispute before the Hackensack municipal court. Released by the county jail, Stedtler was apparently prevailed upon by the municipal police to sue for theft (S659173 & S659174) of $750.00. Stedtler's unpaid rent was $3,125.00, plus $189.24 glass breakage - in her bedroom, plus $100.00 cash receipts from jail visits, plus plaintiff had advanced $750.00 to secure her release. Stedtler's complaint was dismissed when she did not appear to prosecute.

Appeals to the State Advisory Committee on Judicial Conduct proved fruitless against Koblitz. The constitutional violations of Stedtler's rights carried over to the property

management, as other cases arose, such as that involving the adjacent apartment, 397-B, in which equipment was installed to catch drugs in case of a raid - the steel dead bolted door was knocked down by the combined police and fire departments, Salvatore Moretti vs. Edwina Alexis, Hackensack Police Department, and Hackensack Fire Department, A-2934-92-T2, case dismissed November 15, 1993 by the New Jersey Appellate Division.

The facts shown above prove that the constitutional right to trial by jury was by-passed, that defendant Stedtler was imprisoned under a statute which specifically exempted arrest in the home. The coincidence of the fact that Stedtler's rent was paid by a subsidy agency within 1,000 feet of a school should have clued the authorities in to the fact that she was entrapped. She was lured to the site by free rent - just as plaintiff was lured to rent to her - single woman, no kids, no problems, guaranteed rent. Free rent turned into one year "free rent" in jail plus five years probation, $3,000 in fines, and loss of driving privileges for two years.

Stedtler was imprisoned under a statute which specifically requires jail sentences for narcotics offenders, despite the social milieu in which law enforcement is seen as in favor of those with middle class backgrounds and against the urban poor.

The summary dispossess statute in New Jersey does not provide for tenants to secure protection from homelessness when such homelessness results from economic circumstances beyond their control. Why should not the law pay landlords who house tenants whose economic viability is destroyed by ill-health, by civil-disability, or by lack of training - training which is mandated by the federal social security acts.

As to ineffective assistance of counsel, how can a single woman on S. S. I. - due to health reasons - secure effective assistance of counsel while imprisoned in jail, and while her only effective link is hampered by authorities who refuse to return phone calls, letters, etc. As to state remedies, while they may exist in theory, in practice they were not provided in the

several instances of appeals recounted above.

THE COMPLAINT

PLAINTIFF, SALVATORE MORETTI, by way of complaint in this cause of action, hereby declares:

COUNT ONE

1. On or about August 1, 1991, the defendant State of New Jersey conspired to secure funds from the Bergen County Board of Social Services for the rental of Apartment 397-D Park Street, Hackensack, New Jersey, at plaintiff's apartment complex. The rental was to Susan F. Stedtler, with whom plaintiff met August 1, 1991 for lease signing. Stedtler's apartment is twenty-five feet from plaintiff's apartment in the building, and the windows look in on each other across the court-yard.

2. The arrest of Stedtler on May 8, 1992 after an investigation by the authorities came after a number of assaults on the premises described in the jurisdictional statement attached hereto. The harassing of Stedtler by uninvited visitors was all too frequent, and Stedtler asked for assistance on numerous occasions to prevent problems. It is apparent that some of these uninvited "visitors" were informants used by the several defendants named within in order to precipitate the violation of the drug laws, most prominent being N.J.S. 2C:35-5a (sale of CDS within 1000 feet of a school); in fact 397-D Park Street is within 500 feet of three churches, two mortuaries, three schools, one railroad depot, and within a few blocks of the Hackensack Police Station, and the Bergen County Jail Annex, and the Bergen County Court House itself. Description of the acts complained of as within 1000 feet of a school are misleading, and did mislead and strike fear in all who attempted to handle matters in this case, including plaintiff. In addition, the statute above named provides that arrests within the home are to be narrowly construed, but the several defendants failed to consider the statute, acting instead in derogation of the peace of the State.

3. Among the criminal acts described by the State is the

conspiring with John Wright to sell a controlled dangerous substance (hereafter, CDS) to an undercover agent on February 27, 1992. Stedtler and John Wright are charged with the sale in Indictment no. S-360-93, said sale taking place within 1000 feet of the Hackensack Middle School, 360 Union Street, not to speak within 500 feet of several other schools. Also complained of is possession of a CDS [N.J.S. 2C:35-5a(1) and N.J.S. 2C:35-5b(3). Another indictment, S-1642-92 alleged Stedtler acted contrary to the law with Mark J. Smith on January 25, 1992. In fact, the allegations of the state are false, and the above two searches and seizures provided the basis for the third complaint in which Stedtler was arrested on Second Street, in Hackensack on October 1, 1992 (in a car) S-1788-92.

4. As a result of the harassment of Stedtler by "visitors" and "informants" who broke into her apartment, as well as the guilt by association visited upon Stedtler by the likes of Paula Price (a welfare recipient, who stabbed Raymond Jones on the apartment site after a rape), Stedtler has been victimized by the defendants within, notably the Hackensack Prosecutor Amoroso and the State of New Jersey.

5. Stedtler was arrested May 8, 1992, at 10:30 p.m. and placed in the Bergen County jail. From that time she spent the better part of the next twelve months locked in that jail in POD-C. The jail is about 2,000 feet from Apartment 397-D Park Street, and it was in the jail Stedtler associated with the prison population for over two months before her high bail could be paid by plaintiff within. Stedtler was re-arrested on October 1, 1992 and kept in jail until March, 1993, despite the constitutional violation of her right to speedy trial and right to secure release through affordable bail. The arrest on October 1, 1992 was the fruit of the illegal search and seizure which occurred while Stedtler was a tenant at plaintiff's apartment house between August 1, 1991 and May 8, 1992. Stedtler was given credit for jail time of 183 days.

6. Wherefore plaintiff demands $35,000 for lost rent suffered due to the arrest and incarceration by the defendants, and for

the efforts expended to secure her release.

COUNT TWO

7. Plaintiff repeats the allegations of the first count of the complaint as if set forth herein and at length.

8. Plaintiff contacted the several defendants named within through the filing of motions in the Superior Court of New Jersey, the United Stated District Court in Newark, the Appellate Division at 25 Main Street, Hackensack, etc., said motions to suppress evidence, habeas corpus, motion to dismiss, etc.; it is noteworthy that on February 23, 1993, the Appellate Division Judge Kestin in Hackensack denied plaintiff's motion to dismiss the complaint against Stedtler, due to plaintiff's not entering an appearance as Stedtler's lawyer, etc., from which denial plaintiff herein appeals.

9. The several defendants within had full knowledge of the defenses to the crimes allegedly committed by Stedtler, but chose to ignore that information, preferring to hold Stedtler in prison until she confessed; in fact Stedtler was kept in a prison-like state from the time she became a tenant at 397-D Park Street, Hackensack on August 1, 1991, until she was released from jail in March, 1993, a period of twenty months. Her residence at Park Court Apartments, 397-D Park Street, Hackensack was without any of the privileges of a tenant to come and go as she pleased, she had no car, and she was badgered by tenants here whose rent was paid for and who were free to come and go as they pleased. This long term incarceration, 183 days as computed by Judge Timothy J. Sullivan, deprived Stedtler of a speedy trial, and produced, of necessity a guilty plea with a requirement that she testify against her "co-conspriators." She simply was not released until she cooperated, a period of over six months, or a period of twenty months depending on your method of computation.

10. Ellen Koblitz, who reputedly represented Stedtler as head of the public defenders, never contacted plaintiff at any time during this period of time with regard to the circumstances stated within in order to assist Stedtler in her legal defense.Stedtler was confused by the delays encountered with the authorities in processing her case. As a result, plaintiff suffered along with Stedtler a loss of reputation.

11. Wherefore, plaintiff demands $125,000 in damages due to the acts described herein.

The Record, Hackensack, New Jersey, August 24, 1999
French Buyer Taking over United Water
Operation to remain in N.J. after $1.8 B Sale is Finalized
By Kevin G. DeMarrais, Staff Writer

North Jersey's largest water company is getting a French owner.

United Water Resources, which has provided drinking water to thousands of North Jerseyans for 130 years, announced Monday that Suez Lyonnaise des Eaux is buying it for $1.8 billion.

Paris-based Suez Lyonnaise, which already owns more than 30 percent of the former Hackensack Water Co., said taking full control of the utility would give it the financial power needed to compete more effectively in an industry undergoing worldwide consolidation.

The sale is expected to have little impact on United Water's 7.5 million customers, including 1.5 million in New Jersey. United Water provides service to the majority of residents in Bergen county.

Rates and operations will continue to be overseen by the New Jersey Board of Public Utilities. United Water, based in Harrington Park, will continue to operate under its current leadership, led by Chairman and Chief Executive Officer Donald Correll.

United Water will become a wholly owned subsidiary of Suez Lyonnaise, while retaining its management team, name, and corporate identity, according to terms of the sale.

The agreement must be approved by shareholders of both [See purchase Page A-5] companies, as well as regulators in 13 of the 19 states in which United Water has operations.

United Water will be filing with the BPU within the next several weeks. New Jersey law requires the board to consider the impact on competition, employees, rates, and service in approving any utility takeovers. The deal is expected to be completed by the middle of next year.

Under terms of the sale, united Water investors will receive $35 in cash for each share of stock held. In addition, they will

receive an additional 48 cents a share in dividends, including a bonus of 6 cents per share in each of the next three quarters and an extra 30 cents per share when the deal is finalized.

That amounts to a 54 percent premium over the stock's closing price of $23.06 a share on Aug. 12, a date both sides agreed to, the day before the stock began its upward climb. Since then, as rumors of the takeover spread, the stock has soared. On Monday, it closed at $33.50, up $2.43 : a share.

"Whoopee, whoopee, whoopee!" said John Anelli of Park Ridge, a long-time United Water investor, who has been critical of the company's management for not increasing the stock's value. "What else can I say? That's exactly what I hoped they would do."

Anelli said that with the buyout, his 12,000 shares of United Water stock - that's without what's in my grand-kid's name - will have tripled in value since he bought them.

Not everyone welcomed the sale.

Investors will lose the steady dividend that has been a prime attraction of United Water stock, and get hit with large capital gains taxes. Employees will n longer receive stock options that have been a cornerstone of the company's incentive plan, and some environmentalists question whether a company with no roots in New Jersey would be concerned about local water quality.

No water utilities in the United States are foreign-owned, although Yorkshire Water plc of England reached an agreement in June to purchase Aquarion Co. of Bridgeport, Conn., for $600 million in cash and debt, and Suez Lyonnise's major rival, Vivendi, has a stake in many U. S. water companies. Suez Lyonnaise, France's second-largest water company, also briefly owned 100 percent of General Waterworks, a Delaware company that merged with United Water in 1994.

In addition, two U.S, electric companies have been acquired by British companies in the past year. All three are awaiting regulatory approval.

"When it comes to something as precious to life as water,

[foreign ownership] raises some serious concerns," said Jeff Tittel, director of the Sierra Club in New Jersey.

"Will a company based in France be concerned about protecting the quality of water in New Jersey, or will they care more about protecting the bottom line in their investment?" Tittle asked. "I'd rather have a board of directors that has to drink that water."

Burton Hall, chairman of the river Vale Neighborhood Association and a critic of United Water's land management policies, expressed similar concerns.

"If you look at the course of events from Hackensack Water to United Water Resources, which started an aggressive development of the watershed, I don't like the progression," Hall said. "The people in control are less and less interested in the welfare of the community, and more interested in the profit points."

Correll said the takeover should have no impact on United Water's land use, which has been criticized for years by residents in the Pascack Valley who object to plans to build on former watershed property. Land use issues will still be managed by the existing management team, he said.

"The same holds true for local water operations," he said. "The utility customer who lives in Teaneck, and has been getting water for 100 years, will not see any change in the level of service, and hopefully it will be enhanced over time."

But there will be changes for investors, which include many retirees, company employees, and North Jersey customers. United Water has been listed on the New York Stock Exchange since 1889 and paid cash dividends on its common stock continuously since 1886.

Even Anelli, who is retired, said he wouldn't be so happy if he didn't have the stock in an individual retirement account, where the profits get rolled back in. "I would be screaming because I would have to pay the full capital gains tax all at once," he said.

That was a complaint of many Orange & Rockland Utilities Inc. shareholders, who said they would have preferred a stock

swap, rather than cash, when the company was purchased by Consolidated Edison.

"But a stock swap was not a possibility in the United Water deal, because Suez Lyonnaise is not traded on the New York Stock Exchange," Correll said. "Even so, when investors look at the overall deal, including the extra dividends, they should be happy," he said.

So, too, should employees. Some analysts credit United Water's recent strength in part to its stock incentive program, which Correll called one of the most generous in the industry.

"Suez shares our philosophy, and has provided stock options to its employees," Correll said. "They understand the need for incentives to reward people for operating efficiently. I fully expect that they will continue that."

Related Case: Chase Mortgage Services v. Moretti, et al.

Judgment Below Appealed from
Hon. Gerald C. Escala, Superior Court of New Jersey, Chancery Division, Bergen County, New Jersey. February 9, 1999. Case Title in Trial Court:

Chase Mortgage Services, Inc. - v - Salvatore Moretti and Mrs. Salvatore Moretti, his wife; The Bank of New York, N.A.; Hackensack Water Company; Mayor John Zisa; Louis J. Dinice; Timothy J. Sullivan; Ellen L. Koblitz, J.S.C. & State of New Jersey; Henry J. Amoroso,

Salvatore Moretti on the brief, Canal Street Station, P. O. Box 1306, New York, New York 10013

PROCEDURAL HISTORY

There are two conflicting procedural histories, one from the point of view of the plaintiff Chase Mortgage Services, one from the point of view of the appellant, Moretti. Chase Mortgage Services (hereafter, Chase) believes the case is a simple mortgage foreclosure, but Moretti believes the case is not. For example, at page 278a [page 278a in the appellant Moretti's appendix attached to the brief] Rajan Patel, a member of the law firm of Fein, Such, Kahn, & Shepard, submitted a certification on August 16, 1998 to the Chancery

Division of the Superior Court in Bergen County, Chase Mortgage Services v. Moretti, et al. Docket No. F-16923-97, which states as follows:

> The within action is a simple foreclosure action regarding real property known as 390 Park Street, Hackensack, New Jersey. The subject property was purchased by the defendant, Salvatore Moretti, by deed dated September 30, 1986 (sic) which was recorded October 6, 1990 (sic) in the Bergen County Clerk's Office in Deed Book 6593 at page 623, et. seq.

The transfer of title from Linfante to Moretti shown at page 236a. clearly shows the above information is incorrect. The deed shown at DB 6593 p. 623 was recorded October 6, 1980, six days after the September 30, 1980 date on the deed. If the property was mortgaged for $45,000 on November 29, 1985, as Patel states in the next sentence, how could the property be bought and the deed recorded five years after the mortgage. The issue of filing priorities here is significant.

On April 7, 1997, appellant Salvatore Moretti filed a complaint (page 86a) in the United States District Court in Newark, New Jersey, which was docketed 97cv01742 (JWB). The complaint stated that due to the taking of his property located at 391-395 Park Street, Hackensack, the plaintiff required a composition and extension in order to meet his mortgage obligations on his Park Street properties. The twenty unit apartment house was paid off in 1978. The additional property at 390 Park Street, Hackensack provided some additional storage space, and some additional office space; also, there were three bedrooms on the second floor. The twenty unit apartment buildings contained only one bedroom apartments. The complaint sought just compensation for the regulatory taking of the two buildings which were assessed at $733,000. Appellant alleged and proved in over three hundred photographs attached to the complaint, BER-L-5678-97, that tenants had committed waste at 391-395 Park Street (as well as at 390 Park Street, Hackensack) for which damages are provided at N. J. Rev. Statutes Ann. 2A:65-3.

On April 11, 1997, appellant Moretti filed his First Amended Complaint with the federal district trial court; the complaint was served upon United Water Resources, Inc. (which had terminated water service due to an alleged failure to pay a water bill [page 192a]), the City of Hackensack (which shut down the buildings on April 1, 1997[page 194a]), and upon the State of New Jersey (which had accompanied Hackensack inspectors making inspections on the property for a year prior to the taking).

Finally, on October 6, 1997, appellant Moretti filed his Second Amended Complaint reproduced at the appendix 86a through 172a; this complaint named the Chase Manhattan Bank as a defendant. The fourth claim for relief specifically named Chase as denying loans (at page 196a) to appellant Moretti (page 149a) and the appellant charges bank red-lining which resulted in speculation on Park Street properties. The complaint states (at page 150a) that Chase demanded three years of federal income tax 1040 forms showing positive cash flows, and that loans were denied (page 196a) predicated upon the alleged inability to meet current obligations. Appellant Moretti concludes as follows:

> This (banking) inconsistency, we shall see, is a pattern for the creation of residential abandonment, white flight, and arson. Redlining has been associated with block-busting, which has been proven in the case at bar, viz. the foreclosure sales at the two new condominiums on Park Street testify to the difficulty of dealing with tenants and realtors in the neighborhood(151a). Consider that banks have been using tax sales to purchase 3,000 Bergen county properties at a discount since 1988.

This process had resulted in a major fire destroying a house adjacent to 395 Park Street; the house has remained in its gutted condition for several years. The adjacent house, 111 Passaic Street, had burned down prior and been demolished. (Across the street and/or adjacent, the Ratner Oldsmobile dealership/Panhandlers store stands vacant, as well as the

Multi-Pak compactor factory. Bank fraud is particularly noticeable in the current instance when appellant Moretti himself was robbed at the Citibank Branch No. 11 of rental receipts (158a). The robbery resulted in the filing of federal and state lawsuits. The complaint filed is the New York Supreme Court, Second Department, Second Judicial District, was docketed 2727-96 and is dated January 25, 1996 (page 200a). The lawyers for Chase discount all of this.

Patel's certification states at page 278a. paragraph 6, that, "the plaintiff (Chase Mortgage Services) filed a Complaint in Foreclosure on October 14, 1997 as Docket Number F-16923-97." This certification states at page 279a. paragraph 8 that sheriff's service was made on November 18, 1997 through a competent household member over the age of fourteen (14) years. The certification does not state why this service is assumed to be valid. In fact, the service was not made upon a member of the household of Salvatore Moretti. A good definition conveying the meaning of this term is provided as follows:

> Household: A collective group living in a house, acknowledging the authority of a head, the members of which with few exception, are bound by marriage, blood, affinity, or other bond, between whom there is an intimacy and by whom there is felt a concern with and an interest in the life of all that gives it a unity. - Attorney's Pocket Dictionary.
>
> Household: Those who live in the same household subject to the general management and control of the head thereof. Family and household are substantially synonymous terms for certain purposes. Black's Law Dictionary - Fifth Edition.

On October 8, 1998, appellant Moretti argued in his brief before the New Jersey Supreme Court (at page 245a):

> [D]espite numerous problems at 390 Park Street, Hackensack, N. J. including tenant problems with

> Freeman, in which doors were glued shut (petitioner [Moretti] was arrested and incarcerated at [246a] the Bergen County jail operated by the Sheriff's Office of Bergen County), the Bergen County sheriff's department served Chase Mortgage Services' summons and complaint on a non-party unrelated person. Chase Mortgage now claims that personal service was not required since petitioner Moretti was not in business because the building was a single family.

Due to the condemnation of 391-395 Park Street, Hackensack, New Jersey on April 1, 1997 (page 195a), appellant Moretti received many inquiries from realtors and law offices offering quick sale all cash offers to pay off creditors. All involved vastly increased mortgages but failed to provide for loan repayment by the tenancies which were in effect on April 1, 1997. Many lawyers offered services both to refinance and to evade bankruptcy/foreclosures. Despite this, the Chancery court in Bergen County or in Trenton never contacted appellant Moretti to advise him that there was an uncontested mortgage foreclosure pending before them whose outcome threatened the sale of 390 Park Street, Hackensack; it was only through his own efforts that Moretti eventually learned the details for himself. Appellant was occupied by another case in the law division which he advised chancery of and the Chase Mortgage law office; it was docketed as BER-L-5678-97, an inverse condemnation case. Moretti served the complaint by Order to Show Cause; the return date, June 19, 1997, he sat in the chambers of Judge Isabel Stark with the defendants present on speaker-phone. The complaint stated a cause of action violative of the New Jersey condemnation statute, N. J. Stat. Ann. 20:3-2 et seq. Another case which required attention was a chancery case in Bergen entitled 391-395 Park Street Equities v. Salvatore Moretti et al., docket no. F-7502-98; this case involved a number of notices; the net result of these cases was that litigation was multiple and tedious due to failure to follow court rules.

Patel states that a sheriff's notice of sale was published (page 279a, paragraph 12) in July and August, 1998, but there were three thousand such notices published, making individual attention to them impossible [note for example the tally of tax sales in Bergen from 1993-1997 at page 151a, as well as the deed vault search of sales shown at 152a to 157a].

At page 281a Patel claims that junior lienors were joined by amending the complaint effective October 16, 1998; note that none of those lienors held liens as a result of a valid court trial. Appellant Moretti never attended a hearing at which the lien was found legal or binding. Koblitz, for example, held a summary judgment hearing after judge Polito ruled the water consumption case should go to trial; he was replaced in Special Civil Part by Koblitz who had participated in the trial of Stedtler, a tenant at 395 Park Street. Koblitz ruled at a summary judgment hearing without evidence or testimony in favor of the Hackensack Water Company. Another lien resulted when appellant Moretti sought to act on behalf of defendant Stedtler who was thrown in women's prison for six years after having been evicted due to termination of water and utilities at her apartment at 395D Park Street. The judge who fined Moretti never appeared in court; he assumed that there was no case to hear. In fact, the junior lienors held small liens outstanding, which could have been cured by a modest loan from Chase Manhattan Bank - no loans at all were made by Chase which replaced National Community Bank as mortgage holder. Despite the assessment of 391-395 Park Street at $733,000, and 390 Park Street at about $130,000 ($75,000 more than the sale price at the sheriff's sale), and 387 Park Street at $135,000, there was no more than $75,000 of mortgage loans outstanding on all the properties. The rent roll was $13,000 per month.

Fein, Such, Kahn, and Shepard attorney Patel disagrees with the weight to be given to Chase Manhattan as a cause of Moretti's financial problem as follows:

> Mr. Moretti describes an unfortunate history with his tenants, vandalism, alleged theft of his rental

> moneys, alleged wrongdoing by his water utility company and others to describe his financial plight. However, none of these circumstances were brought about or contributed to, by the within plaintiff. Any such problems Mr. Moretti may have endured are the result of external forces totally beyond the control of the plaintiff herein. (page 280a, paragraph 16)

This statement is of questionable validity. For example, if Chase Manhattan Bank had loaned appellant $6,655.11 to pay Koblitz's water judgment [184a], his building would not have been shut down [193a-196a] from April 1, 1997 to March 8, 1999 resulting in a $13,000 per month rental loss totaling $312,000.

At paragraph 19 of Patel's certification (page 283a, page 66a) Patel defends Neil Gross' certification, which certification is appended to the October 8, 1997 complaint in foreclosure. The certification reads as follows:

> CERTIFICATION
>
> I hereby certify that the matter in controversy is not the subject of any other court proceeding or arbitration and that, to the best of our knowledge, and belief, no other parties need be joined at this time, and that no other proceedings are contemplated. (s) Neil Gross.

Clearly, the purpose of this certification is to advise the court of related actions to eliminate waste of judicial time. There were at least five related actions pending in October, 1997, but both Gross and Patel ignored them; no member of the law firm of Fein, Such, Kahn, & Shepard ever called appellant Moretti to advise himself of what those related actions were, despite Moretti's telephone number being listed at 390 Park Street, Hackensack as (201) 487-5179.

On November 16, 1998, James E. Shepard, a member of the law firm of Fein, Such, Kahn, & Shepard, argued in his brief before the United States Supreme Court (Case 98-6497) that,

(2)

Supreme Court, U.S.
FILED

No. 01265 FEB 5 - 2001

OFFICE OF THE CLERK

IN THE
SUPREME COURT OF
THE UNITED STATES

OCTOBER TERM, 2000

Salvatore Moretti,
Petitioner,
vs.
United Water Resources, Inc., City of Hackensack, and State of New Jersey,
Respondents.

ON PETITION FOR WRIT OF CERTIORARI
TO THE SUPREME COURT OF NEW JERSEY

Salvatore Moretti, Pro Se
Canal Street Station
P. O. Box 1306
New York, New York 10013-0876

Vol. Two of Two

EDITOR'S NOTE

THE FOLLOWING PAGES WERE POOR HARD COPY AT THE TIME OF FILMING. IF AND WHEN A BETTER COPY CAN BE OBTAINED, A NEW FICHE WILL BE ISSUED.

"the New Jersey State Court action is a simple residential foreclosure (at page 294a)." Shepard quotes only part of court rule R. 4:4-4(a) to the effect that service upon a competent 14 year old is sufficient. However, the court rule provides that the 14 year old be a member of the household, and there is no proof that service was made upon a member of the household.

In order to defend the service of the summons and complaint, Patel submitted a letter brief to the New Jersey Supreme Court on September 11, 1998 (297a-304a) in which he states that the defendant (Moretti) is playing fast and loose with the judicial system. He supports this statement by quoting paragraph 7 of Moretti's September 20, 1995 certification that Beverly Freeman glued the front and rear door shut to 390 Park Street, Hackensack, "preventing my entering my own home, where I am an owner occupant." Patel misinterprets this statement and suggests that Moretti is inconsistent in claiming to live at both 390 Park street and 391 Park street. The intent of the statement about Freeman's occupying a room at 390 Park Street, inviting in a friend, and taking over the house, is to provide an instance where mere occupants are not members of the household; their interests and management do not coincide with the head of the household. Despite the actions of tenants who commit tenant vandalism, the sheriff's department served someone inside the building at 390 Park Street and claimed service conforming to the court rule. The sheriff's department was on notice that tenant vandalism resulted in the Bergen county jail incarceration of Moretti on a harassment complaint (198a - History File of an Inmate - Salvatore Moretti, Harassment, C-57681, 199a). Patel, despite his law degree, claims that the inconsistent statements by appellant Moretti should not be tolerated and "such changes in factual and legal position should be barred under the doctrine of Judicial Estoppel. Therefore, personal jurisdiction should be sustained by this Court." (page 299a)

In fact, the law office of Fein, Such, Kahn, & Shepard, whether speaking through Neil Gross, Rajan Patel, or James E.

Shepard, relied upon service of process under New Jersey Court Rule 4:4-4 Summons, Personal Service. That court rule states that when real property ownership rights are involved, personal service is required. Not to do so would result in thousands of foreclosure sales where men, women, or children between the ages of 14 and 17, could merely stand at the front door and receive summonses and complaints from the sheriff's department, with the property owner never receiving his day in court. The identity of interests between the person receiving the summons and the filing of an appearance on behalf of the party in interest required under the court rule would not be met. Section 4 of the rule provides that summonses, together with a copy of the complaint, shall be served by the sheriff:

> (4) upon individual proprietor's and real property owners, provided the action arises out of a business in which the individual is engaged within this State or out of any real property or interest in real property in this State owned by the individual, by delivering a copy of the summons and complaint to the individual.

Patel argues in his September 11, 1998 brief at page 298a that "R. 4:4-4(a)(4) is not applicable to the case at bar because the within foreclosure action did not arise out of a business in which the individual was engaged in." The court rule states that R. 4:4-4(a)(4) must be followed if the action arises either out of a business in which the individual is engaged in within this State or out of any real property or interest in real property in this State owned by the individual. Patel appears to misunderstand the facts. Moretti was both a real property owner and a manger of income producing property, requiring office machines; in addition Moretti was proceeding pro se and possessed a law degree.

Moretti filed a Notice of Motion with the Chancery court dated March 8, 1998 (shown at page 15a) returnable March 20, 1998, thus Chase was on notice that he was trying to actively deal with the problem of mortgage repayment. Moretti

repeatedly appeared for oral argument, both on March 20, 1998, and thereafter, but to no avail. His answer was ignored. His court room appearances were ignored. The result was that Chase reaped a windfall profit. In fact, when it appeared that the "simple" mortgage foreclosure was not so simple, the Fein, Such, Kahn & Shepard law office was replaced by the Cooper, Perskie, April, Niedelman, Wagenheim, & Levenson law office as shown in the letter brief dated February 4, 1999 (page 271a). We may surmise that the failure to transfer the case to the contested docket resulted in the replacement of the Fein, Such law firm by the Cooper, Perskie law firm.

If we refer to the records of the Clerk of the Superior Court (page 12a) we see that Bank of New York answered (January 6, 1998), and Hackensack Water Company answered (February 5, 1998). Hackensack Water Company's answer is shown at page 173a - 175a. There is no answer shown as received by the Superior Court Clerk's Office on behalf of Moretti (at page 12a). There was a Miscellaneous Brief filed by Moretti (with a note - attorney required) December 5, 1997 and July 29, 1998. The court case file shows proof of service was filed for Moretti January 12, 1998. At page 300a, Rajan Patel argues in his September 11, 1998 brief that "plaintiff does not possess a filed stamped Answer (from Moretti) and believes no Answer was filed as Mr. Moretti failed to submit the proper filing fee to the Clerk's office." However, Patel then states that a November 18, 1997 letter (should this read November 3, 1997 letter) might be taken as an answer so that "on November 7, 1997, several days prior to the date defendant was served with the summons and complaint by the plaintiff (November 18, 1997), Mr. Moretti was on notice of the impending foreclosure action."

If the document at page 14a is shown as defendant Moretti' answer, why was not the matter transferred to the contested docket. That document states,

> I hereby enter my appearance as being in opposition to the claim made contained in the complaint filed by Chase Manhattan Bank on October 14, 1997. I await

receipt of the complaint in order to provide particulars

Moretti received at least one hundred notices from law firms, mortgage brokers, realtors, private investors, etc. most of them expressing interest in the vacant apartment house property or nearby properties. Since the November 3, 1997 letter is not shown as received by the Clerk of the Court, and there was no action taken by the Chancery court to transfer the action to the contested docket, nor for the Fein Such Kahn Shepard law office to transfer the case to the contested docket, Chase Mortgage Services should not now argue that due process was followed. The sheriff' service of process notes that after three attempts service was effected upon a member of the household. The reason for the failure of Moretti to be present was that he was busy working at his job. He had to earn money. Chase failed to loan Moretti money resulting in Moretti taking part-time jobs, thereby earning $15,000 in order to pay utility bills, etc.. The money went to pay court costs, fees, and transcript costs. The bank robbery deposition alone cost Citibank nearly $2,000, with Moretti's cost at about $250.

According to the August 16, 1998 certification by Rajan Patel (page 279a) paragraph 9, "default was entered against the defendant, Mr. Moretti, on February 13, 1998" Paragraph 10. A final Judgment and Writ of Execution were filed on June 1, 1998.

Appellant Moretti wrote on September 25, 1998 (page 32a) that there was a Sheriff's Sale conducted on September 23, 1998 and "I was advised T. Performance bought the property, but I saw no certified check, no cash and no attempt to pay for the property." The Sheriff's Notice of Sale, F16923-97 dated July 29, August 5, 12, 19 states that the property at 390 Park Street, Hackensack is to be sold "to pay and satisfy in the first place unto the said plaintiff the sum of $48,527.46, with lawful interest thereon; 20% of the purchase price in the form of a Certified Check or Cash is required at time of sale. The property shall be sold subject to all liens and encumbrances of record." In fact, no cash was paid. In fact, no check, certified

or otherwise was paid. Appellant Moretti stated these objections to the individuals conducting the sale but he was ignored. The sale was conducted on September 23, 1998 after two adjournments. Kevin O'Shea, representing himself as the president of T. Performance Corporation and appearing without an attorney at law, allegedly purchased the property at that time. T. Performance took possession of 390 Park Street, Hackensack, New Jersey on February 11, 1999 at 10:00 a.m. Based upon the procedural irregularities set forth above, it is clear this case was not conducted in accord with the applicable New Jersey Court Rules.

The new owner advised Moretti that the contents of the property would be destroyed upon move-in by being thrown into the garbage. In fact, a large industrial garbage dumpster was placed in the driveway and the contents of the house were thrown into the dumpster, filling it on February 11, 1999. The contents included a Sharp copying machine, document feeder, one thousand page cassette, and collator, executive desk chairs, dining room chairs, books (Compton's Encyclopedia, Legal Reference Works on law offices in the United States, Auto Insurance Law, etc.), legal files, twelve bookcases, eighty videocassettes, $750 of clothing, dishes, cooking utensils, hardware, lumber, storage shed, tools, clothing washer and dryer, etc. Moretti's request to the appellate division for an extension to move these items had been denied; Judge Escala's entered a final order on February 9, 1999 denying a stay of the execution of the writ of eviction (page 7a). Appellant Moretti filed a Notice of Appeal (page 1a) and a Case Information Statement (page 4a), both dated February 25, 1999.

Normally, the destruction of legal files recounted above would have prevented the timely filing of an appeal. The relation between the Bergen county sheriff's office conducting the three thousand foreclosure sales and law offices producing the paper work required for the sales should be looked into so that future abuses of process do not occur. Based upon the long history of ownership of the subject real property from 1980 to 1999 (and the loss of all equity in the real property at

390 Park Street despite making all mortgage payments on time [TRW form, pages 40a-46a] recounted in the statement under oath in the transcript of the New Jersey Tax Court on June 10, 1996, shown on pages 219a - 232a), Moretti had sufficient foresight to remove enough files to set forth the appeal within.

Due to the merging of banks, National Community Bank became Bank of New York, and then it became Chase Manhattan Bank; a concomitant change in policy resulted. The bank branch which Moretti dealt with on Main Street in Hackensack no longer loaned money to Moretti due to an inability to continue its investment in the community. This produced the default which the plaintiff Chase Manhattan Bank, a.k.a. Chase Mortgage Service, complains of herein. The first to file a complaint in court, to give testimony to this change in policy, was clearly Moretti. Moretti had even written to the Internal Revenue Service, 1111 Constitution Avenue, Washington, D.C. on February 11, 1995 that he was denied compensation for work at his Park street properties despite letter ruling 8639048, dated June 30, 1986. When he received no response, he filed suit in the United States Court of Federal Claims; this case went to the United States Court of Appeals for the Federal Circuit, Case no. 97-5115. Chase ignored the federal district court complaint Moretti filed (Moretti did not ignore the complaint Chase filed.) Chase failed to loan additional moneys subsequent to the filing of the federal complaint in Newark. In fact, the environmental problems disregarded by the Fein, Such, Kahn, and Shepard law office, and also disregarded by the Cooper, Perskie, April, et al. law office, cast doubt on whether the chancery court had jurisdiction to entertain the complaint filed in foreclosure on October 14, 1997, docketed F-16923-97 (page 60a). Although the court rules provide for the filing of foreclosure complaints and answers in the county of venue to afford opportunity for residents in the respective counties to file answers and appear in opposition, in the matter sub judice the trial court and the Chase law offices ignored appellant Moretti repeatedly. As a result, the final judgment entered on June 1, 1998 shown at

page 47a exemplifies the Trenton Chancery Judge Parrillo's receipt of an uncontested case, while the presiding judge of Bergen county chancery Arthur Lesemann was transferred from chancery to the appellate division and back to chancery and then back to the appellate division again during the relevant time period. Judge Marguerite T. Simon in Bergen county chancery court was the only remaining judge, but she repeatedly left the court room while appellant Moretti sat in the courtroom waiting to be heard. She claimed the court clerk had not placed anything on her docket sheet indicating that a hearing had been scheduled. Judge Gerald Escala was transferred from family court to the chancery division after judge Lesemann's removal, and likewise refused to consider oral argument, mark exhibits, conduct discovery, or perform the usual functions of the trial court judge. The opposing lawyers never came to court, despite repeated notices delivered to them which appear in the appendix attached to this appellate brief.

FACTUAL ALLEGATIONS

Appellant Moretti was one of the original group composing ROR Construction Corporation which purchased Block 418, lots 22 and 23 in 1958. The two lots were 150.17 feet deep by 120.25 feet in width. ROR purchased one of the properties by deed from L & C Holding Corporation dated September 29, 1958 and recorded October 2, 1958 in the Bergen County Clerk's Office in Deed Book 3978, page 463. The other lot was purchased from Dura J. Zwart, dated September 30, 1958 and recorded October 2, 1958 in the Bergen County Clerk's office in Deed Book 3978, page 466.

Despite Moretti's forty-one year history in the subject neighborhood, he was evicted from his home at 390 Park Street, Hackensack on February 11, 1999. Michael Jacobson=s certification dated December 10, 1998 is in support of the issuance of a writ of possession. The certification states as follows: (at page 85a)

1. I am an attorney at law of the State of New Jersey and a member of the law firm of Cooper Perskie

April Niedelman Wagenheim & Levenson, P.A., attorneys for the plaintiff in this captioned foreclosure action.

2. This certification is given as the foundation for and to support the Court's issuance of the Writ of Possession to facilitate the Sheriff of Bergen County evicting the former mortgagors at the mortgaged premises and who are not tenants protected by case law and the provisions of the New Jersey Tenant Anti-Eviction Statute (N.J.S. 2A:18-61.1 et seq.).

3. The premises for which the execution of the Writ of Possession is requested in this matter is as follows:

390 Park Street, Hackensack, New Jersey 07601

4. The following individuals and/or entities are not protected by the provisions of the New Jersey Tenant Anti-Eviction Statute, as enunciated in the New Jersey Supreme Court case of Chase v. Josephson. They are the former owners/mortgagors or the families of the former owners/mortgagors who are not protected by this statute and are as follows:

Salvatore Moretti

5. I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are wilfully (sic) false, I am subject to punishment.

DATED: Dec. 10, 1998 (s) Michael Jacobson, Esq.

Going back a quarter of a century ago to January 14, 1974, appellant Moretti wrote to then Hackensack mayor Michael D'Arminio, "as manager of the above named apartments [Park Court Apartments] located on Park Street in Hackensack, and as an officer of ROR Construction Corp., owner of those apartments, I have become aware over the last eight months of the hardships caused by the imposition of Rent Ordinance 1046 passed May 21, 1973 by the City of Hackensack. Rental increases were eventually allowed by the Hackensack Rent Control Board, and the management of the buildings

continued to improve services, and upgrade the buildings with window air conditioners."

On September 30, 1980 appellant Moretti purchased 390 Park Street, Hackensack, for $57,500; the deed was recorded at Deed Book 6593, Page 623 (Page 236a). Appellant Moretti financed the purchase with a loan from the National Community Bank on Main Street, Hackensack, in the amount of $45,000. By using 390 Park Street for storage of supplies which could no longer be kept at 391 Park Street, and by construction of a storage shed, outdoor snow removal equipment could be operated to keep the parking areas and walks free of snow and ice in the winter months.

The first floor of 390 Park Street was also used for office space to provide improved record keeping and on-site service. Appellant was graduated from New York Law School in 1985 and improved research facilities at that law school in Manhattan have assisted appellant in supplying the courts with superior research materials.

In 1985, appellant Moretti purchased the former site of the North Jersey Friendship House. On February 25, 1985, Olga deMartino and Joseph deMartino conveyed to appellant title to Block 418, lot 24, a vacant lot 66 foot wide by 150.17 foot in depth. The lot is adjacent to Park Court Apartments. The deed is recorded at Deed Book 6902, Page 780. The purchase price was $80,000.

As of 1989, the three Park Street lots under Moretti's ownership were as follows:

Block	Description	Assessment
Bl. 418, Lots 22,23	20 unit apartment house	$792,300
Bl. 418, Lot 24	vacant lot	$135,700
Bl. 415, Lot 8B	House,390 Park St.	$130,600

On July 7, 1995, appellant Moretti submitted a brief to the New Jersey Appellate Division, appealing judge Pizzuto's decision in Tax Court Case No. 8336-93; the Appellate Court docket number was A-4913-94T2. Note the following passage from the procedural history:

Appellant (Moretti) managed these apartments for

> twenty years and did all his own superintendant work, purchasing two additional lots, Block 418, Lot 24 due to undersized lot size, and Block 415, Lot 8B due to limited storage (snow removal and lawn maintenance equipment) and office space (copier, desk, files). Block 418, Lot 24 merged with Lots 22 and 23 and Block 415, Lot 8B was included in an amended complaint effective January 31, 1995YIn fact, the three lots have been utilized jointly since purchase in support of the twenty unit apartment building. Block 418, Lot 24 could not be built upon due to a sewer moratorium in effect since 1990. Block 415, Lot 8B was assessed $130,600 (decreased $18,600 in 1993) and is used for apartment house storage, containing an office; it is adjacent to the Gentile funeral parlor.

Appellant discussed the bankruptcy sale of 370 Park Street, Hackensack (a seventy-two unit apartment building constructed in 1982) after over one hundred fire alerts (the building was assessed $3,108,000 but Dr. Cocozziello sold the property back to the original owner in 1992 for $0 after 100 fire alerts, losing his entire equity). Appellant wrote the Hackensack tax assessor on September 14, 1995 that after appearance at the Bergen county tax board on September 1, 1995, Appeal No. 23-9500110, it was learned that the property record card listed 390 Park street as a two family. The house had one kitchen and only one entrance, and had been a single family for fifteen years. Why was it taxed as a two family? There was no response.

In order to deal with this panoply of problems, Appellant Moretti filed suit in federal district court in Newark, New Jersey; the suit was docketed as 92-4206 (HAA - Harold A. Ackerman). The suit was dismissed under R. 12(b)(6). Moretti discusses the discriminatory assessment practices of the city in connection with high labor costs as follows:

> Appellant was required to devote an increasing amount of time to labor on site, up to 100 hours per

week, excluding around the clock presence to avoid the perennial fire alerts plaguing neighborhood buildings (each fire alert was billed to the property owner). This prodigious amount of labor went uncompensated due to increasing tenant neglect and high taxes.

The long term bias of the City of Hackensack against fair assessment practices is neglected in James Mason's appraisal comparing the two story residential apartments at 391-397 Park Street, Hackensack, to Quail Heights II [a high rise on Prospect Street.]Requiring management to perform servile labor can reduce ownership to mere employment, where failure to pay minimum wages skirts the federal minimum wage laws, and reduced the property's ability to attract investment capital. While commercial developers (such as Gentile funeral parlor) continue to receive bank loans in the subject neighborhood, residential properties have apparently been "red-lined."

It is clear that the issue of red-lining is a withholding of bank funds from residential properties due to refusal to extend credit to credit-worthy real property owners such as appellant within. Red-lining accompanied failure to pay for work performed by appellant. The Fair Labor Standards Act is incorporated into the New Jersey Administrative Code at Code Section 12:56-3.

Red-lining is a form of disinvestment; the tax sale at 390 Park street is one form of disinvestment whereby a bank disposes of property without negotiating with the current owner on repayment of the loan. The mortgage securing 391-395 Park street, Hackensack was transferred to a private party by a bank lien holder; that party instituted suit under the title of 391-395 Park Equities. Red-lining is applicable in the case at bar for many reasons. First, the neighborhood is over 25% black. Second, there are a number of Hispanic minorities living in the area, with Spanish churches to support that population.

Third, there are a number of churches in the area testifying to the religious orientation of the population. There is an evangelical Baptist church on the opposite corner of Park Court Apartment, with an adjacent school. Adjacent thereto are two protestant churches on Passaic street as one proceeds east on Passaic street. There is a Catholic church and school one block to the north. There are two black churches one block to the west of Park Court Apartments. There is a newly renovated Spanish church on Park Street. A church going population should not be red-lined due to religious reasons by banks which are merely profit oriented, such as Chase Manhattan Bank. The area houses a disproportionate number of poor people in the city; the United States Census shows that Hackensack census tract number 235 had the highest percent of poor people in Hackensack. There are 7,120 people living in Census Tract 235; 2278 live in rental units. 839 people in the tract are of Hispanic origin, according to the 1990 census; 1192 people in the tract are black. When it appeared to the opposing attorneys that such withholding of loans from appellant had resulted in massive evictions at 391-395 Park Street, Hackensack on April 1, 1997, they recoiled in horror from the prospect of becoming embroiled in this issue. Consider their remarks as follows at page 299a:

> Plaintiff seriously questions the credibility of defendant's statement It appears that the defendant is playing fast and loose with the judicial system, choosing a position that suits his immediate needs. This behavior should not be tolerated and such changes in factual or legal position should be barred under the doctrine of Judicial Estoppel. Therefore, personal jurisdiction should be sustained by this Court.

Consider this verbal attack upon appellant within at page 301a:

> Defendant claims that plaintiff did not advise the court of related cases because the cases dealt with problems which were the result of external forces

totally beyond the control of the Plaintiff. This is a gross mis-characterization of paragraph sixteen of the plaintiff's Certification dated August 16, 1998.

The lawyer concludes his attack as expected, charging that the appellant is not worthy of belief, at page 304a:

The defendant (Moretti) has yet again failed to present any credible reason why the foreclosure action should not proceed to sheriff's sale unabated. The voluminous submissions of this defendant in both this case and his other suits demonstrate a frivolous behavior pattern and portray a clear abuse of the judicial system.

Although this Chase Mortgage Services lawyer claims that appellant is changing his legal position to suit his needs, consider the accuracy of the following description made in the July 7, 1995 appeal of the New Jersey Tax Court case, Tax Court Docket No. 8336-93, Appellate Division Docket No. A-4913-94T2. This description is taken from the factual history of appellant's brief submitted to the court describing events in 1994, three years prior to the condemnation of Park Court Apartments on April 1, 1997:

Even water could not be depended upon. The Hackensack Water Company (now known as United Water) claimed it was owed $13,803.62 as of July 12, 1994. As a result of not paying this exorbitant bill, appellant was arrested and incarcerated, and after trial arrested again and incarcerated, the municipal court claiming "you're not a poor person." Even after being paid $9,500, the Hackensack water company claimed it was owed $7,566.76 as of December, 1994, suggesting a $17,000 water bill or higher was run up either by a defective water meter or negligent tenants. Most recently, after paying the water company a total of $18,500, appellant received yet another shut off notice due to $7,000 outstanding water charges. Despite the fact that the water company denied doing water searches for the City of

Hackensack, the New Jersey Lawyers annuals for 1991, 1992, 1993, 1994, and 1995 list the Hackensack Water Company as doing such searches. The performance of such searches by the provider of water suggests that the city relies upon this utility to determine amount and cost of water for each building, rather than insisting upon internal auditing such as by the municipal engineer. Clogged main sewer lines continue to dump 3500 gallons of water on the basement floor which must be pumped out to use laundry equipment.

Although the lawyers for Chase Mortgage Services claim that the other law suits filed by appellant have no bearing upon Chase Manhattan Bank, consider the serious issues of red-lining (page 142a-144a), block-busting (page 134a), churning, and excessive numbers of tax sales (page 152a-157a). Federal law requires banks to make loans in the areas in which they do business. Chase Manhattan has taken over the National Community Bank on Main Street, in Hackensack, but it refuses to make loans to appellant Moretti under the terms and conditions set forth in detail in these factual allegations. Under those circumstances, the bank is guilty of violation of the federal statutes dealt with by the community reinvestment act.

Proof of guilt in court requires access to office equipment; on April 15, 1997, the case of Salvatore Moretti vs. Gem Business Machines, SC-1845097 came on for trial before the Superior Court in Bergen County. The case was assigned to trial Judge Ellen Koblitz, the very same judge who tried the Hackensack Water Company case, the Aquanetta Fields case, the Bernard Fayehun case. The complaint filed by Moretti accused Gem Business Machines of performing repairs for over $400 on a Konica 1790 copier in a negligent fashion. The technician removed the by-pass tray from the copier and substituted a defective by-pass. The technician broke a glass element resulting in the malfunction of the machine. The technician replaced the drum unit with an after market drum

which wore out in ten days, resulting in a burn out and arcing of the drum, casting a black shadow across the copier paper exiting from the machine. The after market drum was guaranteed for 90 days, but lasted only one week. The burned out spot was visible on the drum as a bright, white circle around the otherwise tinted drum. The case was open and shut. The judge dismissed the case refusing to accept the straight-forward testimony of the plaintiff. This continuing lack of judicial relief from the same judge who ruled on the Hackensack water case in 1992 raises doubt as to the facts in the Chase Mortgage foreclosure.

Despite the dubious position put forth by Chase Mortgage Services that Salvatore Moretti is not protected by the anti-eviction act, consider that even the supporters of Chase=s position question its validity. Take for example the dissent by Garibaldi, Clifford and Pollock in Chase Manhattan Bank v. Iosephson, 135 N.J. 209, at 250, which states as follows:

> Defendants, on the other hand, allude to the impact of the present foreclosure climate on tenants. They assert that without the protection of the Anti-Eviction Act, tenants will experience a devastating impact from the present wave of foreclosures. They focus on the more immediate concerns of individual tenants facing eviction as a result of foreclosure. I admit that one can muster good arguments on both sides of the issue. I do not profess to know which is better

Although Chase's lawyers claim that Moretti is not a member of the protected class who cannot be evicted, consider that Moretti has been in this neighborhood for over forty years, that his ownership of property was in question due to serious environmental problems which were not addressed by the city of Hackensack, and that he was reduced to being a tenant who earned his keep by labor to maintain the property despite withholding of pay. Under these circumstances, the arguments of the plaintiff Chase should be dismissed as contrary to the facts.

Consider the legislative findings and declaration behind the

New Jersey Senior Citizens and Disabled Protected Tenancy Act. They are set forth at N.J.S. 2A 18-61.23 as follows:

> The legislature finds that research studies have demonstrated that the forced eviction and relocation of elderly persons from their established homes and communities harm the mental and physical health of these senior citizens, and that these disruptions in the lives of older persons affect adversely the social, economic and cultural characteristics of communities of the State, and increase the costs borne by all State citizens in providing for their public health, safety and welfare. These conditions are particularly serious in light of the rising costs of home ownership, and are of increasing concern where rental housing is converted into condominiums or cooperative which senior citizens on fixed limited incomes cannot afford, an occurrence which is becoming more and more frequent in this State under prevailing economic circumstances. The Legislature, therefore, declares that it is in the public interest of the State to avoid the forced eviction and relocation of senior citizen tenants wherever possible, specifically in those instances where rental housing market conditions and particular financial circumstances combine to diminish the ability of senior citizens to obtain satisfactory comparable housing within their established communities, and where the eviction action is the result not of any failure of the senior citizen tenant to abide by the terms of a lease or rental agreement, but of the owner's decision advantageously to dispose of residential property through the device of conversion to a condominium or cooperative.
>
> The Legislature further finds that it is in the public interest of the State to avoid the forced eviction and displacement of the handicapped wherever possible because of their limited mobility and the limited

number of housing units which are suitable for their needs. --

It is appropriate to note with respect to policy issues that the Chase Mortgage Corporation has reached the position of being able to evict appellant Moretti because Moretti was robbed of his rental deposit of over $7,000 in Citibank, the largest bank in the metropolitan area; subsequently Chase Manhattan Bank became the largest bank in the New York Metropolitan. Consider also that Chase Mortgage has scrupulously avoided answering the federal complaint attached at page 86a-172a; that complaint details the conversion of rental units on Park Street which conversion was administered by the Bergen county sheriff's department (134a); these foreclosure and bankruptcy sales evicted renting tenants; this is proscribed by state laws, because it reduces the rental housing market so that affordable units are reduced to zero.

Appellant maintains in BER-L-5678-97 that 391-395 Park street, Hackensack was condemned by the city of Hackensack/state of New Jersey contrary to New Jersey constitution Article 1, paragraph 20; the United States constitution prohibits the taking of private property at the fifth amendment, made applicable to the states by the fourteenth amendment. 390 Park street has been taken as well by the Chase Mortgage Services Corporation, which has refused to recast the mortgage loan, choosing to transfer title, without just compensation to the appellant within. This transfer of title was without judicial intervention, as shown above, and contrary to the above noted state statutes and state and federal constitutional provisions.

It is clear from the above that the factual dispute between the parties is as fundamental as the procedural one, and that both were caused by the refusal of the plaintiff Chase Mortgage Services to deal in good faith with the facts of the case both prior to the institution of the lawsuit, and subsequent thereto.

LEGAL ARGUMENT

Due to severe time constraints, the appellant is required to incorporate by reference his legal argument presented in the Supreme Court of the United States, Case No. 98-6497, and his legal argument presented to the Supreme Court of New Jersey, case no. 46,717, as shown at pages 238a through 270a in the appendix attached to this brief.

CONCLUSION

Appellant Moretti hereby requests that the Appellate Division of the Superior Court of New Jersey overturn the foreclosure sale of property situated at 390 Park Street, Hackensack, New Jersey, and for such other relief as it may find suitable.

Date: March 8, 1999.

Respectfully submitted:(s) Salvatore Moretti, Appellant Pro Se

LEGAL ARGUMENT

POINT ONE

THE CHASE MANHATTAN BANK DISCRIMINATED AGAINST MORETTI IN THE CASE AT BAR, VIOLATING THE FAIR LENDING LAWS: THE FAIR HOUSING ACT OF 1968, THE EQUAL CREDIT OPPORTUNITY ACT, THE HOME MORTGAGE DISCLOSURE ACT, AND THE COMMUNITY REINVESTMENT ACT.

As set forth in the procedural history and the factual allegations, when Moretti sought loans at numerous banks, such as Citibank, Chase Manhattan, Chemical, etc. he was denied loans. In fact, after seeking a loan from Citibank Branch No. 11 in lower Manhattan, Moretti was robbed of his entire rental receipts from his apartment properties at 391-395 Park Street, Hackensack, New Jersey.[1]

Chase Manhattan Bank merged with Chemical Bank; Moretti held checking accounts at Chemical Bank New Jersey, Chemical Bank New York, and Citibank, Canal Street at Broadway Branch, in New York City.[2] Both Chemical Bank,

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[1] Note Moretti v. Citibank, Supreme Court of New York, Index No. 2727-96

[2] In the same period, Bank of New York took over National Community Bank, New Jersey. National

New Jersey, and Chemical Bank, New York, denied Moretti loans after he was robbed at Citibank Branch No. 11 in August, 1994 in lower Manhattan. Moretti was graduated from New York Law School several blocks from the Citibank Branch No. 11.

Moretti took courses for licensure as a Certified Public Accountant in order to provide more complete record keeping for creditworthiness when applying for bank loans. Moretti kept meticulous records for over a quarter of a century relating to his Park Street real estate, from the time of his real estate tax appeals in the 1970's until the shut down of his properties in April, 1997. None of these records were reviewed by either the New Jersey Tax Court or Chase Manhattan Bank, which denied loans on the alleged basis of excessive obligations. Moretti disputed that he had excessive obligations based upon his $13,000 per month rental receipts and the fact that he owned and managed the subject real estate for forty one years. During that period of time, Moretti distributed an apartment owners newsletter, and ran for public office in Hackensack, N. J.

Despite voluminous record keeping, denial of loans to Moretti was as a result of renting to minorities in the central business district of Hackensack, New Jersey. The case at bar, as well as two other cases currently pending in the appellate division of the Superior Court (Salvatore Moretti vs. United Water Resources, Inc., City of Hackensack, and State of New Jersey, BER-L-5678-97, A-001901-98T2, and 391-395 Park Equities vs. Salvatore Moretti, et al., BER-F-7502-98, A-001819-98T2), show that due to the excessive demands by Chase Manhattan Bank for immediate repayment of its mortgage loan, and due to the failure to reconsider municipal real estate taxes, the hard pressed minorities (Black and Hispanic) resident in Moretti's buildings had no recourse but to trash

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Community Bank held a mortgage on Moretti's property, and National Community became a division of Bank of New York.

their apartments. The "excessive obligations" were the direct result of the banking policies which reflected the municipal policies so clearly set forth in the three appeals under consideration by the appellate division.

National Community Bank (Moretti secured a loan from its Main Street, Hackensack branch) and Chemical Bank were taken over by New York banks; mergers were much in the news in the late 1980's, and the 1990's. As a result of Chase Manhattan Bank's merger with Chemical Bank, it became the largest bank in the region, replacing Citibank.[3] Moretti's

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[3] It is noteworthy that the merger involving Chase Manhattan drew attention in New York City; consider the following law review, Senator Nellie R. Santiago, Thomas T. Holyoke, and Ross D. Levi, Turning David and Goliath into the Odd Couple: How the New Community Reinvestment Act Promotes Community Development Financial Institutions, Journal of Law & Public Policy, v. 6, no. 2, (1998) p. 571. The authors state that, [I]n 1995, a small Bronx-based community activist group filed suit against the Board of Governors of the Federal Reserve System and the New York State Banking Department in an attempt to halt the merger of two financial institutions into an entity which, to [572] quote Julius Caesar, would "bestride the world like a colossus" as the nation's largest bank. The basis for this ultimately unsuccessful challenge was that neither of the banks involved had lived up to their legal requirements to lend and invest in the poor neighborhoods they served. While this particular merger challenge drew a great deal of attention, it was simply one more in a long series of protests by local organizations claiming that some banks are failing to live up to their social obligations to invest in the communities where they conduct business. The primary weapon used in these [573] legal battles between community-based organizations and banks are the federal fair-lending laws [The fair-lending laws are generally considered to be comprised of the Fair Housing Act of 1968, 42 U.S.C. ' 3601-3609 (1997); the Equal Credit Opportunity Act, 15 U.S.C. ' 1691 (1997), and the Home Mortgage Disclosure Act, 12 U.S.C. ' 2801-2811 (1997)]. The

federal complaints filed with the United States District Court in Newark, New Jersey preceded Chase Manhattan's demand for repayment of its entire mortgage loan. The federal court complaints alleged violation of the federal civil rights statutes, 42 U.S.C. 1981, 1983. Since Moretti has proceeded conservatively, owning the same property from 1958 to 1997, his mortgage obligations were never excessive; making his monthly mortgage payments was not a problem until Chase Manhattan attempted to secure repayment of the entire loan. As a result of the bank mergers above noted, banking policies changed at the banks Moretti dealt with. It was a change of loan policy, not the income-expense statements submitted by Moretti, which resulted in the denial of loans. It was the loan policy adopted by Chase Manhattan Bank which prevented renewal of the mortgage loans or advancing money to cover unexpected costs; this precipitated the foreclosure sale subject of this cause of action. The effect of a neighborhood bank being taken over by a distant conglomerate with numerous banking branches is that the local branch no longer had the authority to evaluate the loan information provided to them. Those banking personnel with established relationships with Moretti were no longer employed by the Chase Manhattan Bank. Bank of New York, by contrast, chose to transfer its mortgage obligation to 391-395 Park Equities, L.L.C., represented by Howard Lipstein, Esq. Chase Manhattan Bank chose the more drastic route of bank foreclosure. Lipstein, with law offices in Millburn, N. J., in a building one fourth the size of Moretti's Park street properties, has also sought foreclosure in papers filed with the court. It is due to this lack of "localism" that the money invested in savings and checking

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centerpiece of this legal arsenal, and the law which most often lies at the heart of these conflicts, is the Community Reinvestment Act, often referred to simply as CRA [12 U.S.C." 2901-2907 (1997)].

accounts is not reinvested in the community from which it originated. While the banking journals abound in commentary stating that banking is not local because financial matters are national in scope, national issues are at stake in residency in the New York metropolitan area as well, which has been inundated by many migrations since the 19th century. The anti-localist bias is evident in Chase Manhattan Bank, which chose to seek alternate investments for its moneys, unsatisfied with the equity provided by a single family house at 390 Park Street, Hackensack, New Jersey owned by Moretti.

Moretti had difficulty securing inexpensive insurance. The Ratner Oldsmobile Dealership shut down across from Moretti's properties on Passaic Street and the shut down of the Multi-Pak compactor factory adjacent to 391-395 Park Street, was accompanied by the expansion of the funeral parlors adjacent to 390 Park Street - the Gutterman-Musicant and Gentile funeral parlors. Chase Manhattan knew that the adjacent funeral properties received loans, and that the properties in the neighborhood had high commercial value, but it chose to redline the area due to the minorities living in Hackensack's Central Business District. This is a clear case of violation of the fair lending laws. Moretti is being penalized due to the difficulties in securing credit by the Black and Hispanic population in the neighborhood. Chase's acts are illegal under the laws and regulations adopted by the United States Congress. Redlining and disinvestment have been addressed by the federal government due to the excesses which have been evident in the banking industry. These banking excesses have resulted in over three thousand foreclosure sales in Bergen County since 1988. The latest legislation adopted is the Community Reinvestment Act. [4]

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[4] Germane is the law review by A. Brooke Overby, The Community Reinvestment Act Reconsidered, 143 U. Penn. L. Rev. 1431, 1446, (May, 1995), which states that "the CRA is the youngest of a trinity of federal banking statutes enacted

Although discrimination in the residential real estate finance market has been prohibited under the Fair Housing Act [42 U.S.C ' 3605] since [1437] 1968, it was not until the enactment of the Equal Credit Opportunity Act (ECOA) [15 U.S.C § 1691-1691e] in 1974 that Congress addressed the issue of discrimination in lending. A response to substantial evidence that financial institutions were discriminating against applicants for credit on the basis of gender or marital status, the ECOA originally prohibited creditors from considering gender-related factors in assessing whether to grant credit. Amendments to the ECOA prohibiting discrimination on the basis of race, color, religion, national origin, age, receipt of public assistance benefits, or the exercise of rights under the Consumer Credit Protection Act following two years later.

Moretti ran for city council in 1981. He purchased the single family house at 390 Park Street, Hackensack, N. J. almost twenty years ago in order to more adequately manage his apartment house properties and study law. He knew the population living in Hackensack, and recognized their difficulties in maintaining checking accounts. He signed leases with hundreds of tenants in the forty one years since the properties were originally purchased; as a result he had the

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during a period of the 1970's that could be deemed the pinnacle of federal consumer-related financial legislation. Legislative intervention was directed in general toward concerns that the financial services industry was engaging in practices of individual discrimination and geographic redlining, as well as perpetuating a situation of "community disinvestment,' all of which systematically undermined the ability of persons to obtain credit on equal terms. The potential polarizing effects of these practices spawned the CRA as well as the Equal Credit Opportunity Act [15 U.S.C. § 1691] and the Home Mortgage Disclosure Act [12 U.S.C. §§ 2802, 2803], each directed toward creating a more level playing field in the market for credit.

opportunity to conduct credit checks on his tenants and prospective tenants. Blacks and Hispanics were forced to live in houses constructed in the 1920's huddled in the central business area of Hackensack, while affluent suburbanites lived in housing constructed during the building boom of the 1950's and 1960's.[5] Reliance on credit

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[5] Consider the law review by Peter P. Swire's, Equality of Opportunity and Investment in Creditworthiness, 143 Univ. of Penn. L. Rev. 1533, (May, 1995) which focuses upon the decline in creditworthiness of minorities faced with rejection by banks. Swire states at 1537, "the underinvestment in creditworthiness model draws on the underinvestment in human capital model developed by Shelly Lundberg and Richard Startz in employment markets. [Shelly J. Lundberg & Richard Startz, Private Discrimination and Social Intervention in Competitive Labor Markets, 73 Am. Econ. Rev. 340 (1983)]. Lunberg and Startz's model assumes that workers have both innate and acquired characteristics that determine their productive abilities. Each worker acquires human capital to the point where the marginal cost of more training equals the marginal benefit in the form of higher wages. 'Human capital' here includes not only formal schooling, but also, in the words of Kenneth Arrow, the 'more subtle types of personal deprivation and deferment of gratification which lead to the habits of action and though that favor good performance' in a job.

Lundberg and Startz explore the effects on employees of 'statistical discrimination,' which involves use of a general category, such as race or neighborhood, to reduce the costs of particularized inquiry into an individual' qualification for a job or a loan. They assume that employers are provided with test scores that provide information about each worker's marginal product, and that employers can identify each employee as either white or black'

[1538]Under the Lundberg and Startz model, white workers will receive larger raises for increases test scores, as well as higher average raises. Because they are more highly rewarded for improved test scores, white workers will rationally invest more in human capital - they receive a

greater marginal return from each unit of education than do black workers. Generalizing from the Lundberg and Startz model, Professor Cass Sunstein explains how underinvestment in human capital can result whenever significant discrimination exists in a labor market due to racial animus or various forms of profit-maximizing discrimination. Sunstein writes: "Decisions about education, training, drug use, tradeoffs between work and leisure, and employment programs will be affected by existing patterns of discrimination." For example, if a profession such as medicine is closed to blacks or women, their expected return from training for that profession will be lower.

A similar pattern can exist in credit markets - it may be that blacks and other minorities rationally invest less in creditworthiness than do whites.

[1544] Perhaps the most interesting information about investment in creditworthiness comes from Federal Reserve data on households and checking accounts. A nationwide 1989 survey by the Federal Reserve found that only 44.6% of black households, in contrast to 79.9% of all other households, had checking accounts. The regression analysis presented here established that race is a statistically significant factor in explaining who has checking accounts, even after controlling for such factors as income, net worth, education, age, and residence in a metropolitan area. This finding is robust across a range of models.

An important task is to assess the implications of the finding that race is a significant predictor of which households have checking accounts. My first claim is that the disparate rate of checking accounts is evidence of disparate investment in credit-worthiness. My second claim is that the lower investment in creditworthiness should be understood as a rational response to historical or current lender discrimination'

[1545] The lack of a checking account will typically mean a less clearly documented financial history, making it more difficult for the borrower to answer a lender's demands for information. The absence of clear records that a checking account generates makes it more difficult for a borrower to keep track of what bills have been paid, increasing the likelihood of missed payments. Furthermore, getting a home loan without having a bank account may be

cards frequently substituted for banking loans. The check cashing company located on Anderson street one block to the north substituted for a closed bank on Anderson street. Not only has Bergen county grown to become the largest county in the state, but it is the entry way for millions of New Yorkers permitted by the George Washington Bridge. That bridge connects a portion of the Bronx which is impacted by a lack of banking, and also by urban blight.[6] Not only have the Black and Hispanic minority populations of Hackensack been deprived of subsidies, as stated in the factual allegations above, but Moretti's twenty unit apartment house at 391-395 Park Street, Hackensack has been boarded up since its April

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prohibitively difficult. Lenders often require a substantial cash reserve in a bank account [1546] at the time of closing. Lenders are skeptical of down payments made with 'mattress money' - money whose source before the closing is not clearly documented. By contrast, a well-maintained checking account will help show that a borrower's sources of income are steady and legitimate, and the monthly account statements will often help answer specific questions posed by lenders. Having an established bank account can thus be important in a variety of ways to satisfying lenders - requirements, which comprise the behavioral component of investment in creditworthiness.

[6] Note of this fact is made by Craig E. Marcus in Beyond the Boundaries of the Community Reinvestment Act and the Fair Lending Laws: Developing a Market-Based Framework for Generating Low- and Moderate-Income Lending, 96 Columbia L. Rev. 710. (April, 1996). Marcus states at page 711 [Community groups] have not been able to stimulate the type of improvement in the banking industry in low- and moderate-income communities that the CRA was designed to produce. For example, in an area of the Bronx [712] which is approximately two square miles in size, with a population of between 150,000 and 175,000 people, only a few miles from Manhattan which is home to ninety-three major banks, there is but one bank branch and there are no ATM machines.

1, 1997 shut down, and Moretti himself was evicted as a result of the foreclosure sale at 390 Park Street on February 11, 1999.

When Chase Mortgage Services filed its complaint in foreclosure in the Bergen county chancery court, it claimed that there were no related cases in dispute. It denied the existence of numerous cases which were related to its contentions as set forth in the complaint. Moretti has clearly shown that the failure to effect personal service of the complaint flouted the rules of court; the certifications appended to the complaint and the briefs submitted by the attorneys for Chase claiming there were no related controversies resulted in Chase Mortgage Services, Inc, on behalf of Chase Manhattan Bank, by-passing the trial court. As a result, Moretti was evicted from 390 Park Street, Hackensack illegally. This is demoralizing and it is contrary to the expectancy interests for real property owners in the affected neighborhood. Property owners who pay their bills on time for over thirty-five years expect that they will eventually own their properties free and clear.

Consider the law review by Keith N. Hylton, Lending Discrimination: Economic Theory, Econometric Evidence, and the Community Reinvestment Act, 85 Georgetown L. Journal, 237, Dec. 1996, at page 242, which states that,

> "In its research prior to the passage of the CRA, the Senate Banking Committee found many examples of the type of disinvestment the CRA was designed to correct. Id. In New York City, only 11% of the money deposited in Brooklyn remained in the borough. In the District of Columbia, only 10% was reinvested in the community. Similar figures were found for Los Angeles, St. Louis, Indianapolis, and Cleveland." Id.

This law review notes at footnote 63 the following:

> Fn. 63. P. 249. "One should note the analogy here between the incentives of a victim of discrimination

and those of a property owner whose rights are not protected. Failing to protect property rights generates undesirable incentives for owners, which one may put into the category of "demoralization costs." See Frank L. Michelman, Property, Utility, and Fairness: Comments on the Ethical Foundation of Just Compensation Law, 80 Harv. L. Rev. 1165 (1967) (discussing the analytical underpinnings of "just compensation" for government "taking". The argument here can be viewed as follows: the "reasonable person" perspective encouraged by the common law creates a property right of sorts. Each individual makes certain investments on the basis of these expectations. A job seeker, for example, invests in skills with the assumption that he will be compensated for the skills at the prevailing market rate. A shopper invests in market-search activity with the assumption that he will receive the lowest available price. In a market in which discrimination is prevalent, certain job seekers and shoppers will find their investments receiving less than the expected market returns, weakening their incentives to invest. The weakened investment incentives, on the many different margins on which such decisions are made, may all be put into the category of "demoralization costs.".

Moretti's inverse condemnation suit filed in the Superior Court, Law Division, Bergen County, BER-L-5678-97 claimed that a regulatory shut-down had forced closure of his twenty unit apartment house at 391-395 Park Street, Hackensack, N. J. on April 1, 1997, and that the state and city, as well as the water utility, should compensate Moretti for the "taking." The subsequent sheriff's sale conducted by Chase Mortgage Services resulted in Moretti's February 11, 1999 eviction from 390 Park Street, Hackensack. Despite forty-one years of ownership of 391-395 Park Street, Hackensack, and ownership of 390 Park Street, Hackensack since 1980, Chase claims there

was inadequate creditworthiness to loan Moretti money to pay his unexpected water utility bill of $6,600.00 which led to the shut-down on April 1, 1997. Chase claims that Moretti's investment in real estate assessed over one million dollars is not sufficiently creditworthy. Chase Manhattan Bank's failure to loan Moretti money over the last nine years forced Moretti to use his credit cards to purchase needed office supplies. Because of Moretti's conservative financial status, he recognized that credit cards could be used only for short-term financing. As a result, he did not use his credit cards subsequent to 1992. Ever since 1992, Moretti has been paying high interest-rate credit card charges, with the expectation that his financial position would improve. Moretti attempted to secure bank loans by creditworthy acts. For example, in the months of November 1998 through May, 1999, Moretti has paid credit card bills of $1,944.00, despite not one credit card purchase for seven years.

Chase Mortgage Service's position is not believable. Any creditor could force a sheriff's sale by merely manipulating circumstances to suit its convenience. Equity courts were created to give equity. The chancery division is an equity court; by court rule, foreclosure cases are filed in chancery court in the county of venue. By refusing to follow court rules requiring service of process, Chase Mortgage Services bypassed the chancery (equity) court, and forced the sale of Moretti's single family house at 390 Park Street, Hackensack. The result was that not one cent was paid to Moretti as a result of the sale, despite his two decades of paying off of the mortgage loan. Chase Manhattan's claim that Moretti is not creditworthy is incredible. Where creditors have availed themselves of three thousand sheriff's sales in Bergen County since 1988, the potential for abuse of court process and the lending laws require that particular scrutiny be given to Chase's arguments. The courts should not be hostage to the flouting of rules by this would be financial colossus which owes its wealth to the take over of the estates of working people.

CONCLUSION

For the reasons above set forth. Moretti requests that the Appellate Division overturn the judgments of the Chancery Division in the case at bar.

Date: May 1, 1999

Respectfully submitted: (s) Salvatore Moretti, Appellant

IN THE SUPREME COURT OF THE UNITED STATES
OCTOBER TERM, 1998

SALVATORE MORETTI, PETITIONER
vs.
CHASE MORTGAGE SERVICES, INC., RESPONDENT

ON PETITION FOR WRIT OF CERTIORARI TO THE NEW JERSEY SUPREME COURTPETITION FOR WRIT OF CERTIORARI

On The Brief: Salvatore Moretti, Pro Se, 390 Park Street, Hackensack, New Jersey 07601. (201) 487-5179

NO_____

IN THE SUPREME COURT OF THE UNITED STATES
OCTOBER TERM, 1998
SALVATORE MORETTI, PETITIONER vs.
CHASE MORTGAGE SERVICES, INC.,
RESPONDENT

[X] Petitioner has previously been granted leave to proceed in forma pauperis in the following court(s): The United States Court of Appeals for the Third Circuit (Docket No. 98-5043); The United States Court of Appeals for the Federal Circuit (Docket No. 97-5115), March 3, 1998).

In Re Case Title: Chase Mortgage Services, Inc. vs. Salvatore Moretti and Mrs. Salvatore Moretti, his wife; The Bank of New York, N. A.; Hackensack Water Company; Mayor John Zisa; State of New Jersey; Louis J. Dinice; Timothy J. Sullivan; Ellen L. Koblitz, J. S. C. & State of New Jersey; Henry J. Amoroso. N. J. Supreme Court Docket No. 46,717; Bergen County Chancery Division Docket No. F-16923-97. Foreclosure Action. Property situated at 390 Park Street, Hackensack, New Jersey.

Questions Presented

1. Has the respondent Chase Mortgage Services complied with New Jersey Court Rule 4:4-4 which requires that the summons and complaint be served personally upon petitioner Salvatore Moretti; has Chase Mortgage Services, plaintiff in the Chancery Division of Bergen County, New Jersey by-passed personal service [B-31] in order to defeat the intent and purpose of the law which requires that notice be given to avoid a windfall under the facts within?

2. Although it is admitted by Chase Mortgage Services that Moretti paid off the mortgage loan on time for ten years, (390 Park Street was purchased in 1985), now it is claimed that bad credit does not justify recasting the loan due to Moretti's "bad" credit history [C-102] - is this redlining, coupled with a state/municipal gentrification - bringing in token racial groups to replace evicted minorities, given that Moretti paid all prior mortgages off on time from 1958-1993 on property assessed $1,000,000, 387-390-391-395 Park Street, Hackensack?

3. Has Chase Mortgage Services, which recently bought the loan from prior mortagees, considered that petitioner maintained his residential property in excellent condition for the prior quarter century, while three single family houses adjacent to Moretti's property were demolished and two major home fires destroyed two homes, given due consideration that vandalism and arson causing urban blight in this central city location were countered by Moretti's purchase of residential property (Zone R-3B, Residential-Business) in the period?

4. Is the failure of the Bergen County Tax Board and the Tax Court of New Jersey to reduce property taxes (reductions being applied for at 387, 390, 391-395 Park Street, Hackensack, N.J.) the result of municipal prejudice against minorities - Hispanics and Blacks; has the Chase Mortgage Bank's withdrawal from community support violated federal law (the Community Reinvestment Act), thereby reversing the policy established by National Community Bank of lending to Hackensack property owners for residential improvements?

5. Does the history of waste caused by third parties amount to fraud (including the water utility's demand for $40,783.59

for 500 s.f. [C18,C94,C98-101] one toilet apartments), thereby depriving the Sheriff of the right to sell the property on September 23, 1998?

List of Parties

Chase Mortgage Services, Inc. mortgagee of 390 Park Street, Hackensack, N. J.

Salvatore Moretti and Mrs. Salvatore Moretti, his wife; the property owner and any wife

The Bank of New York, N. A., prior mortgagee of 390 Park Street, Hackensack, N.J.

Hackensack Water Company, water utility claiming right to estate due to billing dispute

Mayor John Zisa, mayor of Hackensack

State of New Jersey, condemnor of property, which has not instituted formal proceedings

Louis J. Dinice, municipal judge of Hackensack, N. J.

Timothy J. Sullivan, state criminal judge who tried petitioner tenant in Apt. 395-D

Ellen L. Koblitz, J. S. C., special civil part judge who represented tenant in 395-D and ruled on water dispute.

Henry J. Amoroso, prosecutor of Hackensack, New Jersey.

List of Primary Federal Constitutional Authorities and State Statutory Authorities

1. United States Constitution. Fifth Amendment and Fourteenth Amendment. Condemnation of property by the Government

2. 1971 New Jersey Condemnation Act, N. J. Stat. Ann. 20:3-1

Constitutional Provisions, Statutes, Rules of Court, Ordinances, Regulations

The Rules of Court of New Jersey [Pressler, 1997 edition] state at R. 4:4-4 Summons; Personal Service; In Personal Jurisdiction as follows:

(a) Primary method of Obtaining In Personam Jurisdiction.

The primary method of obtaining in personam jurisdiction over a defendant in this State is by causing the summons and complaint to be personally served within this State pursuant to R. 4:4-3 [R. 4:4-3(a)]

Generally. Summonses and writs shall be served, together with a copy of the complaint, by the sheriff or by a person specially appointed by the court for that purpose or by a person otherwise authorized by these rules....] as follows:

(1) Upon a competent individual of the age of 14 or over, by delivering a copy of the summons and complaint to the individual personally, or by leaving a copy thereof at the individual's dwelling place or usual place of abode with a competent member of the household of the age of 14 or over then residing therein, or by delivering a copy thereof to a person authorized by appointment or by law to receive service of process on the individual's behalf;...

(4). Upon individual proprietor's and real property owners, provided the action arises out of a business in which the individual is engaged within this State or out of any real property or interest in real property in this State owned by the individual, by delivering a copy of the summons and complaint to the individual if competent, or, whether or not the individual proprietor or property owner is competent, to a managing or general agent employed by the individual in such business or for the management of such real property, or if service cannot be made in that manner, then by delivering a copy of the summons and complaint to any employee or agent of the individual within this State acting in the discharge of his or her duties in connection with the business or the management of the real property (emphasis added);

Paragraph 8 [B-4] of Mr. Pattel's certification states that "[a]ccording to the Bergen County Sheriff's Affidavit of Service, a Summons, Complaint and Amendment of Complaint were served upon the defendant, Mr. Moretti, on November 18, 1997 through a competent household member over the age of fourteen (14) years. Said affidavit is annexed

hereto and made a part hereof, as Exhibit C". Why the complaint subject of this chancery court foreclosure action does not involve real property or the ownership of real property is not stated by Mr. Pattel. Why Mr. Pattel relies upon section 1 of the rule and not section 4 will become clear as discussion continues.

In the very next paragraph, without consideration of any opposition to the complaint, Mr. Pattel reveals that default was entered. The paragraph reads as follows: [B-4]

9. Default was entered against the defendant, Mr. Moretti, on February 13, 1998. A copy of the filed default is annexed hereto and made a part hereof, as Exhibit D."

Code of the City of Hackensack

Section 134-2, Definitions, Fair Nert Operating Income - "gross maximized annual (income) less reasonable and necessary operating expenses...shall not exceed sixty percent (60%) of the gross maximized annual income."

Opinions Below

United States Court of Appeals for the Third Circuit, Moretti v. United Water Resources, Inc. et al., 98-5043, February 20, 1998

United States District Court, Moretti v. United Water Resources, Inc., et al., 97-1742 (JWB), November 25, 1997

United States District Court (Newark, N. J.), Moretti v. City of Hackensack, et al., 92-4206 (HAA-Harold A. Ackerman), June 21, 1993.

United States District Court, Moretti v. Dinice & Sullivan, 93-0528, JCL-Lifland), August 10, 1995.

United States Bankruptcy Court, In re Salvatore Moretti, Case No. 97-2418, July 10, 1997

New Jersey Supreme Court, In the Matter of Robert A. Hollis, 95 N.J. 253, February 3, 1984; 134 N.J. 124, October 12, 1993. [Attorney for Salvatore Moretti suspended from law practice in New Jersey by the N. J. Supreme Court).

New Jersey Tax Court, Moretti v. City of Hackensack, 8336-93,

also 1994 Docket.

Superior Court of New Jersey, Bergen County, Law Division, Moretti v. Hackensack Water Company, predecessor to United Water Resources, Inc., [Docketed Judgement from Ellen Koblitz' decision in DC-705907-92], DJ-111274-95, April 2, 1997.

Special Civil Part of the N. J. Superior Court, Bergen County, Tenancy, etc. Judge Ellen Koblitz' decisions in the cases of Moretti v. Aquanetta Fields, DC-4327-93 [tenancy]; Moretti v. Hackensack Water Co. [water utility rates and water overcharges]; Ballard v. Moretti, SC-585-93.

Moretti v. Citibank, New York Supreme Court, Kings County, 2727-96.

Listing Supplied By Citibank Attorney:

Moretti v. City of Hackensack, certif. denied, 143 N.J. 324, 670 A.2d 1065 (1996); Moretti v. Dinice, cert. denied, ___ U.S. ___, 115 S.Ct. 2580, 132 L.Ed.2d 830(1995); Moretti v. New Jersey, cert denied, ___ U.S. ___, 115 S. Ct. 1698, 131 L.Ed.2d 561 (1995); Moretti v. Red Roof Inn, cert denied, ___ U.S. ___, 115 S. Ct. 568, 130 L.Ed. 486 (1994); Moretti v. Zisa, cert denied, ___ U.S. ___ 115 S.Ct. 71, 130 L.Ed.2d26 (1994); Moretti v. Multi-Pak Corp., cert denied, 464 U.S. 988, 104 S.Ct. 475, 78 L.Ed. 2d 675 (1983), rehearing denied, 465 U. S. 1054, 104 S. Ct. 1334, 79 L.Ed.2d 729 (1984)

Superior Court of New Jersey, Bergen County, Moretti v. Hackensack Water Co., BER-L-8191-92

Fayehun v. Moretti, Special Civil Part, Bergen County, Nov. 12, 1993

Office of Administrative Law, Moretti v. Hackensack Water Co. (predecessor to United Water Resources, Inc.) PUC 07022-95

Hackensack Municipal Council, Resolution 260, in re Hackensack Water Co. and Moretti, August 17, 1992.

Moretti v. Jaime Calle, Small Claims (Bergen), SC-5820-96

Moretti v. Maria Diaz, SC-5812-96

Moretti v. Enrique Garcia/Flores, SC-5816-96

Moretti v. Carlos Morocho, SC-5809-96

Moretti v. Segundo Toalongo, SC-5822-96

Moretti v. Uvieghara, SC-5979-96
Moretti v. Raymond Veloz, SC-5810-96
Moretti v. Alberto Yunganaula, SC-5806-96

Jurisdiction

Decision by the New Jersey Supreme Court, Chase Mortgage Services, Inc. vs. Salvatore Moretti and Mrs. Salvatore Moretti, his wife; The Bank of New York, N. A.; Hackensack Water Company; Mayor John Zisa; State of New Jersey; Louis J. Dinice; Timothy J. Sullivan; Ellen L. Koblitz, J. S. C. & State of New Jersey; Henry J. Amoroso. Docket No. 46,717 September 18, 1998,; Appellate Division of the Superior Court of New Jersey. Part T, Judges Long and Steinberg, August 20, 1998. Bergen County Chancery Division Docket No. F-16923-97, August 13, 1998. Judge Gerald Escala. Foreclosure Action. Property situated at 390 Park Street, Hackensack, New Jersey.

STATEMENT OF THE CASE

On September 23, 1998. the Sheriff of Bergen County sold at Sheriff's Sale 390 Park Street, Hackensack, N. J. This property had been owned by petitioner Salvatore Moretti since 1985 who had faithfully made mortgage payments to National Community Bank on Main Street in Hackensack, N. J., (the county seat of Bergen County). National Community Bank was taken over by Bank of New York, and Chase Manhattan Bank acquired the mortgage therefrom. Mortgage payments were prevented by the apartment house condemnation of 391-395 Park Street, Hackensack, New Jersey [owned by petitioner Moretti since 1958; by 1978 the construction mortgage was paid off; due to neighborhood nuisances petitioner attempted to improve services by acquiring the management office at 390 Park Street, Hackensack, and acquired better parking at 387 Park Street, Hackensack] on April 1, 1997, which resulted from a combination of alleged health code violations. Among these violations was the shut off of water permitted by the city of Hackensack when United Water Resources, Inc. refused to enter into an interim payment plan.

Despite numerous problems at 390 Park Street, Hackensack, N. J. including tenant problems with Freeman in which the doors where glued shut (petitioner was arrested and incarcerated at the Bergen County jail operated by the Sheriff's Office of Bergen County), the Bergen County sheriff's department served Chase Mortgage Services' summons and complaint on a non-party unrelated person. Chase Mortgage now claims that personal service was not required since petitioner Moretti was not in business because the building was a single family. The property is zoned Residential - 3B, the B standing for business. There are numerous businesses located in this zone, including two adjacent funeral parlors (adjacent to 390 Park Street), office buildings (adjacent to 387 Park Street), and apartment houses (adjacent to 390 Park Street) up to five stories.

Petitioner filed numerous papers in Chancery court which neglected to file/consider same, resulting in the uncontested treatment by the foreclosure unit in Trenton, N. J., and precipitating the Sheriff's sale on September 23, 1998. The Chancery court claimed petitioner required an attorney. Petitioner seeks overturn of the appellate decisions affirming the chancery court ruling which failed to grant the stay request so that the case within may be transferred from the foreclosure unit in Trenton to the contested unit in Bergen county. Thereafter, the case can be considered on its merits.

REASONS FOR GRANTING CERTIORARI

On September 23, 1998 the Sheriff of Bergen County held a Sheriff's sale and sold 390 Park Street, Hackensack, New Jersey to the highest bidder, T. Performance. The Supreme Court of New Jersey had denied the stay of the Sheriff's sale applied for by Moretti (Appendix Exhibit AA-1). Moretti purchased the single family house located in a R-3B use district in 1985. The R-3B zone is currently zoned for business and apartments up to five stories. From this location Moretti had managed his apartment house at 391-395 Park Street, Hackensack, New Jersey from 1985 to 1997. In April, 1997 the apartment house was closed due the action by the United Water Resources [C-

21] to terminate water service; United Water refused to enter into a plan for the payment of the water bill (C-99 - C-101), and Chase Mortgage refused to re-cast the mortgage (C-102). Bank of N. Y. similarly accelerated its loan demanding positive cash flow.

Moretti reiterates his argument before the New Jersey Supreme Court that he has not been properly served with the summons and complaint by Chase Mortgage Services, (Exhibit G-3 to G-6). The result is that Chase Mortgage prevented the listing of the case on the Chancery docket as a contested matter. Instead there resulted the foreclosure by the Trenton foreclosure unit of an "uncontested" case. Moretti appeared continuously [C-104] before the Chancery court in Bergen County, New Jersey (the property in question is located in Hackensack, the county seat of Bergen County) throughout 1997 and 1998, but to no avail, since the court claimed "a lawyer was required" to file papers.

Petitioner herein, Moretti, argues that the Chancery court of Bergen County should have transferred the case to the contested docket and heard his appeal. Petitioner relies upon Brinkley v. Western World Inc. 275 N.J. Super. 605, 646 A.2d 1136, decided January 12, 1994 by the Chancery Division of the Superior Court of New Jersey, Sussex County, New Jersey.

This case concerns tax liens which were purchased by plaintiff Western World, Inc. Western World Inc. sought to foreclose based upon the tax sale. The Chancery Court invoked its equitable powers to set aside the tax sale certificates on two lots (Block 365, Lots 5 & 17, located in Byram Township, N. J.) While the defendants claimed the property was entitled to farmland assessment, when the municipality claimed tax liens for the years 1983 and 1985, no appeals from the tax sale ensued until more than two years after the sale. Lots 5 and 17 were entitled to farmland assessment for 1983. Byram Township v. Western World, et al., 111 N. J. 222, 544 A.2d 37 (1988). In 1988 the Appellate Division ruled that Lot 5 was entitled to farmland assessment, but not Lot 17.

The Chancery Division reasoned as follows [p. 608]:

"A municipality is empowered to sell lands for unpaid taxes or any municipal lien pursuant to N.J.S.A. 54:5-19; See also Nordell v. Mantua Twp., 45 N.J. Super. 253, 256, 132 A.2d 39 (Ch.Div. 1967). N.J.S.A. 54:5-32 provides:

The certificate of sale shall be presumptive evidence in all courts in all proceedings by and against the purchaser...of the truth of the statements therein, of the title of the purchaser to the land therein described, and the regularity and validity of all proceedings had in reference to the sale. After two years from the record of certificate of sale, no evidence shall be admitted in any court to rebut the presumption, unless the holder thereof shall have procured it by fraud, or had previous knowledge that it was fraudulently made or procured....(emphasis added)

Furthermore, strict interpretation of the time limitation and presumption set forth in N.J.S.A. 54:5-52 is contrary to decisional authority [p. 609]. N.J.S.A. 54:5-100 provides as follows, "In an action in the Superior Court to foreclose [a tax sale certificate],...the validity of the tax or other municipal lien for which the sale was made and certificate issued...shall be conclusively presumed unless a defendant in the action shall set up as a defense thereto the invalidity of the tax or other municipal lien...All questions as to such invalidity may be tried in the action.(emphasis added)." Nordell, supra , held that the two statutes "are in pari materia and must be read together." 45 N.J. Super. at 257, 132 A.2d 39 (citations omitted).

"New Jersey case law has held that the statutory presumption of validity and the two year limitation does not apply to an assessment which is void ab initio. Nordell, supra, 45 N. J. Super. at 257, 132 A.2d 39 (quoting Hudson County Park Comm. v. Jacobson, 132 N.J.L. 287, 40 A. 2d 201 (Sup. Ct. 1944). Nordell cites to Hudson for the following proposition, "[i]ts [N.J.S.A. 54:5-52] only purpose is, we think, to aid in the enforcement and collection of unpaid taxes and assessments validly made. It cannot give validity to a void assessment." Nordell, supra, 45 N.J. Super at 257, 132 A. 2d 39 (quoting

Hudson, 132 N.J.L. 287, 40 A.2d 201).

The Chancery court stated at page 610 that "Nordell stands for the proposition that when there are no unpaid taxes against the property, the lien and/or tax certificate is deemed void ab initio. 45 N.J. Super. at 258, 132 A.2d 39. Since the lien is deemed void, evidence is admissible to rebut the presumption set forth in N.J.S.A. 54:5-52. Hudson, supra, 132 N.J.L.287, 40 A.2d 201.

"Strict enforcement of N.J.S.A. 54:5-52 is not only contrary to decisional authority, it is contrary to general equitable principles. "The rule seems to be that where under a statute providing for tax sales, a deed delivered will be presumptive evidence of title, equity may intervene to either prevent the sale, or if the deed be delivered, to cancel it." Cahill v. Town of Harrison, 87 N. J. Eq. 524, 526, 100 A. 625 (Ch. 1917).

"The court also relies upon the general equitable principles which apply to the remedy of foreclosure. Foreclosure is a harsh remedy and equity abhors a forfeiture. A court of equity may invoke its inherent equitable powers to avoid a forfeiture and deny the remedy of foreclosure. Sanguigni v. Sanguigni, 197 N. J. Super. 505, 507, 485 A. 2d 332 (Ch.Div.1984) (a determination as to whether an action "...warrants the remedy of foreclosure involves the operation of equitable principles [and]...is subject to the exercise of discretion by the court") See also Kaminski v. London Pub., 123 N.J.Super. 112, 117, 301 A.2d 769 (App.Div. 1973)."

At page 611, the Chancery Court states that, "although the court is invoking its equitable powers to set aside a tax sale certificate because the underlying lien has been extinguished, the court is mindful that the plaintiff-purchaser is not without recourse. If the tax certificate or lien is invalid or set aside, the certificate of sale may be assigned to the municipality and the municipality may then refund to the purchaser. Tontodonati v. City of Paterson, 229 N.J. Super. 475, 551 A.2d 1046 (App.Div.1989); 13A New Jersey Practice, Real Estate Law & Practice, Sections 35.6, at 488 (John A. Celentano) (1991)."

As footnote 5 on page 613 notes, "N.J.S.A. 54:5-54 provides

that the owner has "...2 years from the date of sale when the purchaser is other than the municipality, or an any time thereafter until the right to redeem has been cut off in the manner in this chapter set forth, by paying to the collector...the amount required for redemption..." (emphasis added). Decisional authority has held that the right to redeem from foreclosure of a tax sale certificate should be liberally construed. Manning v. Kasdin, 97 N.J. Super. 406, 235 A.2d 219 (App.Div.1967). Moreover, the right of redemption is not barred until a judgment in foreclosure is rendered. See Borough of Wildwood Crest v. Smith, 210 N.J. Super. 127, 509 A.2d 252 (App.Div.) certif. den. 107 N.J. 51, 526 A.2d 139 (1986). Thus, once the Township determines the amount due and owing on Lot 17 for the year of 1985, defendant has the opportunity to redeem prior to entry of a judgment in foreclosure."

In the case at bar, petitioner Moretti applied for real estate tax reductions from 1991 to 1995; the frequency of his appeals is a matter of record. It was a result of the deferring by federal district court in Newark, N. J. (92-4206 HAA) to the New Jersey Tax Court, and the deferral by the state tax court to the county tax board, and the refusal by the county tax board to hear the appeals or to grant the reductions applied for that the default in mortgage and real estate tax payments resulted. Since petitioner was a resident property manager, he operated a business and was engaged in the course of business [Chase disagrees, F-31] when the sale took place. He is entitled to service of process as required under the court rules of the state of New Jersey. In fact, the sheriff served a third party not related to the petitioner. Petitioner is now being evicted from his office so that the Sheriff's sale purchaser, T. Performance can reap a windfall.

Notice provisions in the New Jersey Tax Sale law is considered by the law review, Tax Certificates: A Review of the Tax Sale Law, by Michael G. Pellegrtino, Esq. and Ralph P. Allocca, Esq., Vol 26, Seton Hall Law Review, p. 1607 et seq. At page 1627, the authors note that "the notice required in an

in rem tax foreclosure proceeding has evolved over the last twenty years. Prior to 1977, the only notice requirements were the publication and posting on the property of the foreclosure complaint. In 1977, the New Jersey Supreme Court determined, in Township of Montville v. Block 69, Lot 10, that notice of the in rem proceeding was to be given to the owner of the property before his right of redemption could be foreclosed. Finally, the United States Supreme Court reviewed the issue of notice in in rem foreclosure proceedings in Mennonite Board of Missions v. Adams, 462 U.S. 791 (1983) and held that it is constitutionally mandated that all interested parties, including mortgagees, be notified of the in rem proceeding by personal service or mailed notice. If such notice is not effectuated, the mortgage will not be foreclosed and will survive the foreclosure judgment. ...[p. 1628] A municipality also has the right to bring an action in the Superior Court to bar the right of redemption if the land or any improvement thereon is hazardous to the public health, safety and welfare or is unfit for human habitation. [N.J.S.A. Section 54:5-77]. The owner, mortgagee, or other person with an interest in the land, has an absolute defense to the action if the condition which rendered the property hazardous or uninhabitable has been cured. Alternatively, an interested party can deposit with the court the amount of money determined by the court to be necessary to remove or correct the conditions [C-92] or a performance bond in double that amount. The abatement, removal or repair must be accomplished within the time prescribed by the court, and the monies deposited with the court can be used to pay for the repairs made...[p. 1629] Logic dictates that this same relief ["(appointment of a rent receiver) is a long-settled remedy available to a mortgagee upon the initiation of foreclosure on an income-producing property] should be available to tax certificate holders who have initiated foreclosure proceedings where the underlying property does not provide sufficient equity to secure the tax lien, or where waste has been committed."

It is inconsistent that neither the municipality (Hackensack)

nor the water utility (United Water Resources, Inc., (formerly known as the Hackensack Water Company) took the option of appointing a receiver who would monitor collection of rents so that both proper upkeep of the property could take place, and bills could be paid This receiver would have seen that the property was being professionally maintained by the petitioner, who owned the twenty unit apartment house (located at 391-395 Park Street, Hackensack, N. J.) for forty years, and has owned 390 Park Street, Hackensack, N. J. for thirteen years. Rather, co-defendants City of Hackensack and United Water Resources, Inc. proceeded to shut off all utilities on April 1, 1997 (at 391-395 Park Street, Hackensack, New Jersey) and thereby condemn the apartment house. Due to the loss of income from the rental apartment house, petitioner could no longer pay for his property management office at 390 Park Street, Hackensack, N. J. The theft of petitioner's apartment rents at the Citibank in New York City was an additional factor resulting in the filing a bankruptcy petition in Newark Federal district court, which petition was rejected by the court. Based on these facts, petitioner Moretti appeals to the United States Supreme Court to grant this petition for certiorari. Petitioner argues that Omaha Hotel Co. v. Kountze, 107 U.S. 378 (1883), supports his position that the chancery court was required to grant the stay applied for in the case sub judice.

In Omaha Hotel Co. v. Kountze, 107 U.S. 378 (1883), the court stated, "Courts of equity always have the power where the debtor is insolvent...to take charge of the property by means of a receiver, and preserve not only the corpus, but the rents and profits, for the satisfaction of the debt, [107 U.S. at 395]. As noted by the Pellegrino and Allocca law review on New Jersey Tax Law, unlike most commercial mortgage documents, tax certificates contain no contractual clause providing for the appointment of a [1630] rent receiver. This fact, however, should not bar the appointment of rent receiver where the circumstances require one. New Jersey courts have historically held that such a contractual clause is not the

determinative factor for the appointment of a rent receiver. [See Barclays Bank, 274 N.J. Super. at 522-23, York Motel Assoc. v. Blum, 78 N.J. Super. 108, 111-12, 187 A.2d. 624 (Ch.Div. 1962), certif. den., 44 N.J. 403, 209 A.2d 140 (1965); Tucker v. Nabo Constr. Corp., 108 N.J. Eq. 449, 450, 155 A.460 (Ch. 193). In Tucker, the court explained that:

[t]his [clause] is not binding on the court and does not entitle the mortgagee to the appointment of a receiver as a matter of right and without regard to the other circumstances of the case. Receiverships, like injunctions and specific performance, are the tools whereby chancery exercises its peculiar jurisdiction and are used only when the facts warrant their employment, according to the established practice of the court....

As the Pellegrino and Allocca law review comments, "rent receivers are only appointed where the security is at risk due to low equity in the property or waste. The appointment of a rent receiver is not to provide the secured party with a continuous stream of income, but is to protect the secured party from the further reduction of its security . The rents are primarily used to prevent waste by paying current taxes, securing the property from vandalism, or financing needed repairs and maintenance."

Despite the fact that Hackensack and United Water Resources, Inc. claim that there was waste, that bills were not being paid, that real estate taxes were not being paid, they failed to take the relief which would have insured the end they allegedly desired. They failed to protect tenants at 391-395 Park Street, Hackensack. from eviction. Eviction now threatens petitioner Moretti as well. Petitioner Moretti claims that the invasion of the R-3B use district by funeral uses (Gentile Funeral Parlor and Gutterman funeral parlor) both of whom received variances to expand into the R-3B use district argues that the city and water utility are acting in bad faith. Moretti paid over $23,500 in water bills [C-94], and promised to pay

over $5,100 more [C-98] to the water utility, but the utility's lawyer simply refused to accept payment, and the court refused to accept the payment (C-1 to C-86). Clearly, over billing by the water utility and excess taxation by Hackensack (which claims the single family at 390 Park Street, Hackensack is a two family house) requires reversing the decision by the New Jersey Supreme Court which denied a stay of the tax sale. to T. Performance.

The foregoing considered in conjunction with the dramatic increase in sheriff's sales of Bergen County properties [D-67-73] requires consideration of whether there is excess zeal by mortgagees who are ignorant of long term residential values. Julia Patterson Forrester considers changing the law relating to the rights of mortgagees and mortgagors in her law review, A Uniform and More Rational Approach to Rents as Security for the Mortgage Loan, 46 Rutgers L. Rev. 349, (1993).

At page 1631 the author notes that "legislative intent is clear that a private certificate holder does not have the right to immediate entry into the underlying property to manage or protect it.[See Barry L. Kahn Defined Pensions Plan v. Township of Moorsetown, 243 N.J.Super. 328, 336, 579 A.2d 366, 370 (Chn.Div.1990)] A municipality, however, which has purchased and recorded a tax certificate on an income-producing property is entitled to take immediate possession of the property for the sole purpose of collecting rents and apply such income toward the redemption of the certificate...It has long been held that this right to collect rents implies an obligation to do so as well as an obligation to undertake reasonable maintenance and repair. [Tauber v. Newark, 227 N.J.Super. 257, 261, 546 A.2d 585, 587 (Law Div. 1988) (citing Newark v. Sue Corp., 121 N.J. Super. 205, 296 A.2d 362 (Cty.Ct. 1972), aff'd, 124 N.J. Super. 5, 8, 304 A. 2d 567, 569 (App. Div. 1973); Taylor v. Morris, 1 N.J. Super. 410, 415, 61 A.2d 758, 760-61 (Ch. Div. 1948)).

At page 353, Forrester argues that "the confusion in the law governing assignments of rents affects not only the parties directly involved, but in significant ways has implications for

the national economy, citizens in general, and the efficacy of the federal bankruptcy system. Loans secured by commercial real estate make up a substantial percentage of the loan portfolios of our nation's banks, savings and loans, and insurance companies. Given the general decrease in real estate values across the country and the increase in the number of defaults, the treatment of rents in the period between default and foreclosure has become a more significant issue. Of utmost concern is the extent to [p. 354] which confusion over the treatment of rents during this period makes lenders more reluctant to loan money. A negative impact on lenders' willingness to do business has serious economic consequences nationwide. Furthermore, because the Federal Deposit Insurance Corporation (FDIC) and the Resolution Trust Corporation (RTC) now own a significant number of real estate loans, taxpayers may ultimately absorb the losses of uncollected deficiencies resulting from misapplication of rents by borrowers. In bankruptcy, the problem is compounded..."

At p. 356, "the author (Forrester) proposes that rents be integrated into Article 9 of the UCC [Uniform Commercial Code] and treated essentially the same as accounts are treated under Article 9. A borrower could then grant a secu- [p. 357] rity interest in rents to a lender in much the same manner that a borrower may now grant a security interest in accounts. This proposal would provide a workable solution to the problems arising under both state law and bankruptcy law with regard to security interests in rents and would provide for uniformity among the states. Furthermore, the proposal would be easy to implement because of existing statutory and case law relating to security interests in accounts."

Chase mortgage services should not have foreclosed on 390 Park Street, Hackensack, when it could have rented the property to petitioner Moretti (rather than accelerating the mortgage - as did Bank of New York - and refusing to recast the mortgage). As Forrester argues [p. 359], "a mortgage lender's ultimate remedy is foreclosure of the mortgaged property, but the time period required for the completion of a

foreclosure varies significantly from state to state. During the interim period between a borrower's de- [p. 360] fault and the completion of a foreclosure, a lender may have available certain provisional remedies such as securing the appointment of a receiver for the property, taking possession of the property and collecting rents, or collecting rents without taking possession of the property. Whether these provisional remedies are available and whether they require special mortgage provisions in order to be available, depend upon the law of the state where the mortgaged property is located and the effect given in that state to the mortgage instrument itself."

Forrester comments at p. 368 that, "when a lender becomes a mortgagee in possession, the lender faces potential liability that can exceed even the amount of the mortgage debt. First, and most significantly, the lender in possession can have liability for environmental problems on the property. Second, the lender can be held liable to the [p. 369] borrower for mismanagement; if the lender fails to 'manage the property in a reasonably prudent and careful manner so as to keep it in a good state of preservation and productivity, and third, the lender may have liability to third parties for injuries caused by dangerous conditions on the property. For these reasons lenders are generally hesitant to become mortgagees in possession." Petitioner Moretti claims that Hackensack shut down his property interests (on April 1, 1997 at 391-395 Park Street, Hackensack) due to a regulatory invasion [C-100] which amounted to an illegal taking. In fact, once it gained possession after April 1, 1997, it allowed the property to be vandalized, producing $30,000 of damage so that it's excess zeal would be camouflaged.

Petitioner Moretti was forced to file for bankruptcy protection. Forrester argues as follows in her law review: [P. 385]. "The United States Supreme Court addressed the issue of the treatment of an assignment of rent in bankruptcy in Butner v. United States. 440 U.S. 48 (1979). The court held in Butner that state law governs 'property rights in the assets of a bankrupt's estate,' including the rights of a lender under an

assignment of rents. The court rejected the view that had been adopted [p. 386] by the Third and Seventh Circuits that 'federal law affords mortgagees an automatic security interest in rents and profits when state law would deny such an automatic benefit and require the mortgagee to take some affirmative action before his rights are recognized.' Instead the Court decided that bankruptcy courts should 'take whatever steps are necessary to ensure that the mortgagee is afforded in federal bankruptcy court the same protection he would have under state law if no bankruptcy had ensued.' ...[p. 408] "Because the UCC [Uniform Commercial Code] was drafted with the modern commercial transaction in mind, the policies it promotes are likely to be rational in modern times, unlike the law relating to assignments of rents."...[p. 422] "[I]ncorporation of rents into Article 9 [of the U.C.C.] might promote the use of a new type of financing for owners of income-producing properties. Lenders might be willing to provide financing secured only by rents of real property without requiring a mortgage on the property itself if a rational means for obtaining a security interest in rents were available."...[p. 423] "The arguments advanced against the amendment of Article 9 to include real property rents do not provide sufficient justification for such a position. The suggestion that the amendment would be politically unwise is based on a concern that it 'might meet strong opposition from various interest groups and that such opposition might in many states delay the enactment of the entire package of Article 9 amendments.'"

Petitioner suggests that Chase Mortgage Services acting in complicity with the City of Hackensack have driven petitioner Moretti out of business. They have failed to heed the warranty of habitability laws passed in New Jersey requiring that both petitioner (who maintained a residential apartment at 391-B Park Street, Hackensack as well as office space at 390 Park Street, Hackensack) and his tenants move out or face arrest.

CONCLUSION

For the reasons set forth above, petitioner Moretti hereby

applies to the United States Supreme Court to grant his petition for certification, and reverse the order by the New Jersey Supreme Court dated September 18, 1998; thereafter the case sub judice may be considered on its merits as a contested matter by the chancery court in Bergen County..

Date: October 9, 1998

Signed: (s) Salvatore Moretti, Pro Se

The Record, Hackensack, N. J. April 13, 1978

City, police, neighbors back mental center

By Mary Ellen Schoomaker, Staff Writer

Hackensack - A gray-and-white two-story house on Park Street looked quiet yesterday - shades drawn, no tinge of Times Square. Even though it is alleged that a sordid assortment of incidents has taken place there.

The house at 387 Park St. is a residence for eight members of Friendship House, a psychiatric rehabilitation center.

A lawsuit filed Monday by Salvatore Moretti, owner of a nearby apartment complex, charges that the occupants are there illegally and disturb the community.

But police, the city, and neighbors say that nothing is going on - except a one-man battle to have the place closed.

Tenants in Moretti's buildings say they have no complaints. "In fact, in one of the blizzards, said one woman, 'five people from the house helped me dig my car out."

Moretti complained to the city months ago, saying the residence was a halfway house for mental patients, which is illegal under city law. Moretti alleged that open acts of lewdness, assaults, and other disturbances have taken place there.

But the city said the house was perfectly legal, and police said they had only two calls to the premises, both in 1976, and both were for minor incidents.

Yesterday, police said nothing significant has come to their attention since that time.

Dr. Donald Springer, executive director of Friendship House, said the Park Street facility is a rooming house only. No staff is on the premises and the occupants either have jobs or are training for them.

"Some of these people have never even been in mental hospitals. They may just be a little more depressed than most people," he said.

Springer says Friendship House is caught in a "personal vendetta" between Moretti and the owner of 387 Park St.. Friendship house leases the house from Gutterman-Musicant-Kreitzman, funeral directors at 402 Park St.

"The building is being used as a scapegoat,' Springer said.

Criticizes funeral home

In a letter to City Council members last June, Moretti wrote, "The actions of Gutterman-Musicant-Kreitzman cause doubt as to their concern about our neighborhood."

Moretti has also complained to the city of parking problems near the funeral home caused by mourners.

But Moretti yesterday denied any relationship between the two issues.

Henry Gutterman, funeral home president, says he does not understand the suit. "We have the most cordial relationship with Dr. Springer. We have never had a complaint about the building."

Five tenants in the Park Court complex said they have never heard of any disturbances next door.

One woman said she did not even know where the house was; another said she thought it was a commune.

Attorney Frank Alster, whose office is at 377 Park St., said yesterday he knew of no problems down the street.

"Moretti asked me to join the suit," Alster said, "But I have no reason to join."

The Record, Hackensack, N. J. April 18, 1978

A sad, familiar story

A little more than two years ago, eight persons moved into a house on Hackensack's Park Street, where they lived

in peace and harmony until last week. A neighbor, Salvatore Moretti, owner of an apartment house on the same street, has filed suit, charging that the present use of the house violates a city ordinance prohibiting the boarding of mentally deficient-persons.

We have no wish to prejudge a lawsuit. It is worth pointing out, however, that Mr. Moretti' complaint echoes language that has been used to rouse opposition to various halfway house elsewhere in Hackensack. In one case, seven mildly retarded adults were kept from occupying a house on Jackson Avenue because of neighborhood complaints that their presence would somehow be disturbing, and that they would lower property values. Another group of residents, offering similar reasons, opposed the establishment of a battered wives shelter on Union Street.

Mr. Moretti has two arguments. First, he charges that they have committed acts of open lewdness, assault, and other disturbances. No such complaints have been made to the Hackensack police.

Second, he labels them "mentally deficient." As it happens, they'e not. They'e not even mental patients. The building, thought it is sponsored by a psychiatric rehabilitation center called Friendship House, is not a halfway house for former patients, some of the residents have been in mental hospitals, and some haven't. They are people who need a mutually supportive atmosphere, free from the emotional turmoil in which they've spent their lives.

Even if they were "mentally deficient," however, it is hard to see why Hackensack has on its books an ordinance banning boarding house for such people. How does one define "mentally deficient," for one thing? And, for another, isn't such an ordinance likely to be a perfect tool for residents who don't want such halfway house in their neighborhoods? If the purpose of the ordinance is to protect former mental patients from exploitation by unscrupulous operators, that is a function that could be better served by health and

building codes.

It is a pity that eight harmless persons who need a haven from emotional turmoil should be subjected to legal harassment. It's an old, unhappy pattern in Hackensack and in too many other communities that like to think of themselves as friendly and enlightened.

Note: Robert Hollis Esq. filed suit against the Psychiatric Halfway House on Behalf of Plaintiff Salvatore Moretti

Case Title: In the Matter of Robert A. Hollis, an Attorney at Law. argued November 29, 1983, Decided February 3, 1984.

Synopsis.

Attorney disciplinary proceeding was brought. The Supreme Court held that failure to prosecute actions on behalf of clients, failure to record mortgage, failure to supply inventory of all pending cases to proctor for law practice, and failure to promptly pay client's mortgagee out of trust account warrant suspension from practice of law for period of three years.

Suspension ordered.

Colette A. Coolbaugh, Counsel, argued the cause for complainant Disciplinary Review Board.

John P. Libretti and Nine D. Cariddi, argued the cause for respondent (Libretti and Weston, attorneys).

PER CURIAM

"This disciplinary matter was originally before us on January 12, 1982, the return day of an order to show cause why the respondent, a member of the bar of this State, should not be disbarred or otherwise disciplined because of his allegedly inappropriate conduct involving five different matters. We were satisfied upon our review at that time that a substantial suspension period was warranted. (The Disciplinary Review Board had recommended a two-year suspension.) We were advised then that five additional

complaints against the respondent were pending before the District Ethics Committee. We therefore suspended the respondent temporarily commencing January 21, 1982 pending completion of those proceedings.

The District Ethics Committee held hearings on the additional complaints. The entire matter was then reconsidered by the Disciplinary Review Board, which recommended that respondent be suspended for a three-year period, commencing as of January 21, 1982. After our initial review we remanded one aspect of the cause, possible misappropriation of trust funds, for a further hearing before the District Ethics Committee. This has been completed and we have had oral argument on the entire record.

Based on our independent review, we have come to the same conclusions as the Disciplinary Review Board on the Moretti, Schult, Medaska, Koehl, Cherevas, Messimer, Oskoniewsi complaints and the proctorship matter. We adopt the Board's following findings and conclusions in those respects:

[A.] **MORETTI MATTERS**

Beginning in March of 1978, the respondent was retained by Salvatore Moretti to represent him personally and to represent his company, the ROR Construction Corporation, in three separate matters.

1.) MORETTI v. BOARD OF ADJUSTMENT OF HACKENSACK AND FRIENDSHIP HOUSE

Moretti retained the respondent to institute suit against the Board of Adjustment of Hackensack and Friendship House in connection with a zoning variance. A complaint was filed in April 1978 with the Superior Court, Law Division, Bergen County. On October 25, 1978, the complaint was dismissed by the Honorable Theodore Trautwein, J.S.C. for failure to prosecute, since respondent neither served or attempted to serve the summons and complaint. Although respondent thereafter communicated with his client on numerous occasions, He failed to advise Moretti that the matter had been dismissed. To the contrary,

respondent, advised Moretti that a hearing was scheduled for November 17, 1978. Moretti retained new counsel in April of 1979.

2.) ROR CONSTRUCTION CORPORATION v. BOARD OF ADJUSTMENT AND JADEMOR INUSTRIAL COMPANY

Respondent was also retained by Moretti to represent ROR Construction Company in a suit against Jademor Industrial Company and the Hackensack Board of Adjustment. although respondent prepared and filed a complaint, docketed as L-323-78, with the Superior Court, Law Division, Bergen County, he failed to serve the summons and complaint upon the defendants. Respondent then misrepresented the status of the case to his client on several occasions by stating that they were awaiting a court date.

In April 1979, the file was turned over to Moretti's new counsel.

3.) MORETTI ET ALS v. MULTIPAK CORPORATION

In a third case, Moretti retained respondent to institute suit against Multi-Pak Corporation to obtain a restraining order to prevent Multi-Pak from maintaining a nuisance. A complaint [256] was never filed, although the complainant testified that respondent had advised to the contrary. The respondent denied so advising his client. He testified that he was told by the law clerk to the Bergen County Chancery Judge that more than one affidavit was necessary to obtain a restraining order. Respondent claimed to have so advised his client.

In addition, respondent stated that the attorney for Mult-Pak had verbally agreed that the company would institute noise abatement procedures. That agreement was not confirmed in writing. Respondent testified that until his client again complaint to him in the fall of 1978, he assumed that the matter was resolved.

Although respondent had not filed a complaint in the matter, a bill dated June 16, 1978 paid by Moretti reflected charges for 3 1/2 hours of work in the preparation of the complaint as well as for a $60 filing fee. Moretti obtained a

copy of the complaint from respondent in December 1978 and filed it with the Superior Court.

[D.] PROCTORSHIP

At the first hearing before the Board, on June 17, 1981, we reviewed correspondence from Water Whitman, Esq. who had previously agreed to act as proctor for the respondent's law practice. That correspondence indicated that the respondent had failed to supply an inventory of all of his pending cases and had failed to maintain contact with the proctor. Respondent represented that he had forwarded the requested list to Mr. Whitman more than one month before the Disciplinary Review board hearing. He further indicated that he could have been more diligent in a number of the matters complained of but had no excuse for his conduct. In addition, he stated that he had undergone psychiatric treatment for 16 to 18 months, ending in [258] June of 1980. He indicated that the psychiatrist had helped in certain areas, particularly with respondent's tendency to hold up on matters.

Conclusions

"A common theme runs throughout all these matters, a failure to meet the demands of each case. His lack of diligence was egregious. Indeed, he aggravated his failings by misleading his clients, failing to communicate with them, and defaulting in the transmittal of documents when they were due. He even was delinquent in furnishing an inventory list of his cases to an attorney who had agreed to act as his proctor. It is conduct typified by the respondent that brings the profession into disrepute with the public. It is inexcusable. Respondent has violated DR 1-102(A)(4), (5) and (6), DR 6-101(A)(1) and (2), and DR 67-101(A)(2), and R. 1:21-6.

We are sympathetic with the fact that respondent endured some trying personal problems involving his children's physical conditions during some of the period when these misadventures occurred. Moreover, respondent has been under psychiatric care off and on for some years. However,

those circumstances, though of a mitigating nature, do not excuse his conduct. Respondent is to be suspended from the practice of law for a period of three years, commencing as of January 21, 1982, the date of his temporary suspension. Upon his return to practice, [262] he shall not be permitted to practice law except under the supervision of a member of the bar. Accordingly, when respondent seeks reinstatement, he shall inform us of the name of the attorney and the details of the proposed supervisory arrangement. The terms and conditions shall, of course, be subject to our approval. When seeking reinstatement, respondent shall also submit to use a report of a psychiatrist based on a recent examination indicating respondent's capability to resume the practice of law.

Respondent shall reimburse the Administrative Office of the Courts for costs.

For suspension - Chief Justice WILENTZ and Justice CLIFFORD, SCHREIBER, HANDLER, POLLOCK, O'HERN and GARIBALDI - 7.

Opposed - None.

IN THE MATTER OF ROBERT A. HOLLIS, AN ATTORNEY AT LAW. October 12, 1993. 134 N.J. 124, 631 A.2d 545 [Supreme Court of New Jersey, 1993]

Synopsis

In attorney disciplinary proceeding, the Supreme Court held that three-year suspension is warranted when attorney, in handling of matter on behalf of criminal defendant, engages in gross negligence, failed to act with reasonable diligence, fails to explain matter to extent reasonably necessary to permit client to make [125] informed decisions, failed to withdraw from representation, fails to expedite litigation, and engages in conduct involving dishonesty, fraud, deceit or misrepresentation.

Suspended.

ORDER

"The Disciplinary Review Board having filed a report with

the Supreme Court recommending that ROBERT A. HOLLIS of HACKENSACK, who was admitted to the bar of this State in 1971, be publicly disciplined for violations of RPC 1.1(a) gross negligence), RPC 1.3 (failure to act with reasonable diligence), RPC 1.4(a) and (b)(failure to explain a matter to the extent reasonably necessary to permit a client to make informed decisions), RPC 1.16(a)(1) (failure to withdraw from representation) RPC 3.2 (failure to expedite litigation) and RPC 8.4 (c) (conduct involving dishonesty, fraud, deceit or misrepresentation) in his handling of a matter on behalf of a criminal defendant, and good cause appearing;

It is ORDERED that the findings of the Disciplinary Review Board are adopted and ROBERT A HOLLIS shall be suspended from the practice of law for a period of three years, effective October 1, 1993; and it is further [126]

ORDERED that the entire record of this matter be made a permanent part of respondent's file as an attorney at law of this State; and it is further

ORDERED that ROBERT A HOLLIS be restrained and enjoined from practicing law during the period of his suspension; and it is further

ORDERED that ROBERT A. HOLLIS comply with Administrative Guideline No. 23 of the Office of Attorney Ethics dealing with suspended attorneys; and it is further

ORDERED that ROBERT A HOLLIS reimburse the Ethics Financial Committee for appropriate administrative costs incurred in the prosecution of this matter.

App. 190

SALVATORE MORETTI
CANAL STREET STATION
P. O. BOX 1306
NEW YORK, NEW YORK 10013

February 7, 2000

Supreme Court of New Jersey
Richard J. Hughes Justice Complex
25 West Market Street, P. O. Box 970
Trenton, New Jersey 08625-0970

re: Salvatore Moretti, Plaintiff-Appellant, v. United Water Resources, Inc., City of Hackensack, and State of New Jersey, Defendant-Respondents. Supreme Court No. 49,242. Appellate Division A-1901-98T2.

Dear Sirs:

Enclosed find plaintiff-appellant Salvatore Moretti's Notice of Appeal to the New Jersey Supreme Court from the decision rendered January 14, 2000 by the Appellate Division, a copy of which is appended hereto.

As I have notified the parties in interest in related cases, it appears that the case sub judice is a quasi-criminal forfeiture in which real property has been subjected to a forfeiture. The appeal of this matter is pursuant to R. 2:2-5(b) and involves the final judgment of the Appellate Division dated January 14, 2000; this appeal is within the time required as set forth by R. 2:4-1.

By copy of this letter I am advising the below listed of the appeal and providing them with the requires documentation.

Very truly, (s) Salvatore Moretti

enc.

cc: United Water Resources, Inc., City of Hackensack, State of New Jersey

Salvatore Moretti, Appellant
Canal Street Station
P. O. Box 1306
New York, New York 10013

APPELLATE DIVISION OF THE SUPERIOR COURT

Salvatore Moretti,
Appellant
vs.
United Water Resource, Inc.,
Chase Mortgage Services, Inc.
Respondent

PROOF OF SERVICE OF NOTICE of APPEAL
Case No. A-1901-98T2

PROOF OF SERVICE

Salvatore Moretti, APPELLANT in the above entitled case, by way of affidavit, hereby declares under penalty of law as follows:

1. On February 7, 2000 I posted the Notice of Appeal to the N. J. Supreme Court from the January 14, 2000 Final Judgment of the Appellate Division in the above captioned case to the Hackensack Post Office.

2. The Notice of Appeal was posted to be delivered to the following addresses shown:
Stephen W. Townsend, Clerk of the Supreme Court, Hughes Justice Complex, 25 West Market Street, P. O. Box 970, Trenton, N. J. 08625; Emille R. Cox, Appellate Division Clerk's Office, Richard J. Hughes Justice Complex, 25 West Market Street, P. O. Box 006, Trenton, New Jersey 08625; State of New Jersey, c/o Attorney General Farmer, Office of the Attorney General, P. O. Box 080, Trenton, N. J. 08635-0080; Hackensack City Attorney Richard Salkin, 50 Main Street, Hackensack, N.J. 07601; United Water Resources, Inc., c/o John P. Wallace, Esq., 216 East Ridgewood Avenue, Ridgewood, N. J. 07450.

3. The foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Date: February 7, 2000

Signed By: (s) Salvatore Moretti

NOTICE OF APPEAL
SUPREME COURT OF NEW JERSEY
TITLE OF ACTION AS CAPTIONED BELOW:
ATTORNEY OF RECORD

SALVATORE MORETTI, Plaintiff-Appellant
v.
United Water Resources, Inc., City of Hackensack, and State of New Jersey, Defendants-Respondents

NAME: Salvatore Moretti
ADDRESS: Canal St' Station
P. O. Box 1306
N. Y., N. Y. 10013-0876
PHONE NUMBER
ATTORNEY FOR - PRO SE
ON APPEAL FROM:
Appellate Division of the Superior Court

NOTICE IS HEREBY GIVEN THAT Salvatore Moretti APPEALS TO FROM THE ORDER ENTERED IN THIS ACTION IN FAVOR OF
United Water Resources, Inc., City of Hackensack, and State of New Jersey
IF APPEAL IS FROM LESS THAN THE WHOLE, SPECIFY WHAT PARTS OR PARAGRAPHS ARE BEING APPEALED:

_____

ARE ALL ISSUES AS TO ALL PARTIES DISPOSED OF IN THE ACTION BEING APPEALED? Yes.
IF NOT, IS THERE A CERTIFICATION OF FINAL JUDGMENT ENTERED PURSUANT TO R. 4:42-2?
PRIORITY UNDER R. 1:2-5. n.a. APPLICABLE SECTION UNDER THE RULE.
IN CRIMINAL, QUASI-CRIMINAL, AND JUVENILE CASES...NOT INCARCERATED [X], INCARCERATED [ ], CONFINED AT: GIVE A CONCISE STATEMENT OF THE OFFENSE AND OF THE JUDGMENT, DATE ENTERED AND ANY SENTENCE OR DISPOSITION IMPOSED:
NOTICE OF APPEAL HAS BEEN SERVED ON:
COURT ORDER APPEALED FROM: DATE OF SERVICE TYPE OF SERVICE
Appellate Division of the Superior Court First Class letter mailed Feb. 7, 2000 to the
Appellate Div.,. Hughes Justice Center, Trenton, N. J. 08625
N. J. Attorney General Farmer First Class letter mailed Feb. 7, 2000 to the Office of the Attorney General, Hughes Justice Center, P. O. Box 080, 225 West Market St., Trenton N. J. 08625
City of Hackensack First Class letter mailed

Feb. 7, 2000 to theOffice of Hackensack City Attorney Richard Salkin, Esq.50 Main Street, Hackensack, N. J. 08625.
United Water Resources, Inc. First Class letter mailed Feb. 7, 2000 to the Attorney for United Water Resources, Inc., John P. Wallace, Esq., 216 East Ridgewood Avenue, Ridgewood, N. J. 07450.

NOTICE OF APPEAL HAS BEEN SERVED ON:
OTHER PARTIES DATE OF SERVICE
TYPE OF SERVICE
Name and Designation

I HEREBY CERTIFY THAT I HAVE SERVED A COPY OF THIS NOTICE OF APPEAL ON EACH OF THE PERSONS REQUIRED AS INDICATED ABOVE.

Date: Feb. 7, 2000
Signature of Attorney of Record: (s) Salvatore Moretti, Appellant
PRESCRIBED TRANSCRIPT REQUEST FORM HAS BEEN SERVED ON: (ALSO INDICATE IF SOUND RECORDED). No Transcript. Decision Is Attached Hereto
NAME DATE OF SERVICE
AMOUNT OF DEPOSIT
ADMINISTRATIVE OFFICE
OF THE COURTS, CHIEF,
COURT REPORTING SERVICES _____
COURT REPORTER'S SUPERVISOR/
CLERK OF COURT OR AGENCY _____
COURT REPORTER _____

I HEREBY CERTIFY THAT I HAVE SERVED THE PRESCRIBED TRANSCRIPT REQUEST FORM ON EACH OF THE ABOVE PERSONS AND PAID THE DEPOSIT AS REQUIRED BY R. 2:5-3(d)
Date:
Signature of Attorney of Record: (s) Salvatore Moretti, Appellant

I HEREBY CERTIFY THAT:
[X] THERE IS NO VERBATIM RECORD.
[ ] TRANSCRIPT IS IN THE POSSESSION OF THE ATTORNEY OF RECORD.
[ ] A MOTION FOR ABBREVIATION OF T6RANSCRIPT HAS

BEEN FILED WITH THE COURT OR AGENCY BELOW.
[ ] A MOTION FOR FREE TRANSCRIPT HAS BEEN FILED WITH THE COURT BELOW.
Date: Feb. 7, 2000
Signature of Attorney of Record: (s) Salvatore Moretti, Appellant

SUPREME COURT OF NEW JERSEY CIVIL CASE INFORMATION STATEMENT

TITLE IN FULL: FOR OFFICIAL USE ONLY
Salvatore Moretti, APPEAL DOCKET NO.
Plaintiff-Appellant,
v. NOTICE OF APPEAL
United Water Resources, Inc., City FILED:
of Hackensack, and State of New Jersey, DATE SENT:
Defendants-Respondents.

Appellant's Attorney Plaintiff X
Name: Salvatore Moretti, Canal Street Station, P. O. Box 1306, New York, New York 10013-0876.
Respondents' Attorneys:
United Water Resources, Inc.'s Attorney is John P. Wallace, Esq., 216 East Ridgewood Avenue, Ridgewood, N. J. 07450. Tel. No. (201) 445-3533
City of Hackensack's Attorney is Richard E. Salkin, Esq., 50 Main Street, Hackensack, N. J. 08625. Tel. No. (201)342-3626
State of New Jersey's Attorney is Attorney General Farmer, Office of the Attorney General, Hughes Justice Center, P. O. Box 080, 225 West Market St., Trenton N. J. 08625 Tel. No. (609)292-8740
GIVE DATE AND SUMMARY OF TERMS OF JUDGMENT ENTERED BELOW:
The Appellate Division ruled in favor of the dismissal by Bergen County Superior Court Judge Stark who dismissed the complaint by Moretti under R. 4:6-2(e). The complaint stated that Moretti's real property at 391-395 Park St., Hackensack, N. J., (a twenty unit apartment house) had been subjected to a taking due to fraudulent water bills and permission by the City and State to close down the apartment house on April 1, 1997. In fact the two residential apartment buildings assessed over $600,000 have been closed down and boarded up since then. Moretti has suffered a rental loss of $13,000 per month since April 1997 amounting to over $400,000, while the city claims that it is due real estate taxes. Moretti claims that the

water company is being used to condemn his apartment house, and that the acts of the defendants amount to working a forfeiture on the subject real property.

Does this determination dispose of all issues as to all parties? Yes.

Is the validity of a statute, executive order, or constitutional provision of this State questioned? Yes. The N. J. Forfeiture Statute, N.J.Stat.Ann.. 64-1. The Federal and State Constitutions prohibit taking property without just compensation. Moretti claims that the administrative code requires hearings to shut off all utilities, which in the case at bar have not been provided. The amount due and owing was based on a defective water meter which the state, city, and water utility have refused to test or inspect.

Give a Brief Statement of the Facts and Procedural History. The City passed Resolution 260 stating that Moretti owed a water bill, despite Moretti's statement that the water bill exceeded the fuel oil bill and was clearly confiscatory. State/city inspectors inspected and in collusion with minority tenants and transients trashed Moretti's buildings, blaming Moretti. Moretti attempted to have his real estate taxes reduced, but was ignored by the N. J. Tax Court, and the federal district court. Moretti claims the innocent owner defense applies in the forfeiture worked. The Superior Court refused to consider any of these arguments and dismissed on the city's motion for summary judgment. The Appellate Division affirmed the trial court judgment on January 14, 2000. Plaintiff-Appellant Moretti appeals therefrom.

TO THE EXTENT POSSIBLE, LIST THE PROPOSED ISSUES TO BE RAISED ON THIS APPEAL, AS THEY WILL BNE DESCRIBED INAPPROPRIATE POINT HEADINGS PURSUANT TO R. 2:6-2(A)(5). APPELLANT: Point I. The Innocent Owner Defense Applies in the Case at Bar. Point II. The Relation Back Doctrine Does Not Vest Ownership of the Subject Real Estate in the State/City/Water Utility. Point III. The Forfeiture Worker Was Planned by Hackensack Prosecutor Amoroso who Advised the Municipal Court Judge Dinice how Rents Could

be Seized, Tenants' Subsidies Confiscated, and the Building Vacated. Point IV. The Attack on the Creditworthiness of Moretti is Without Just Foundation Point V. Prosecutor Amoroso Exceeded His Power as Municipal Prosecutor when he Jailed Tenants at 391-5 Claiming Violation of the Narcotic Laws, i. e. In Effect Claiming Moretti Operated A Crack House Resulting In Moretti's Being Jailed Repeatedly in the County Jail, and in the City Jail, (This Dual Role- Acting as Lawyer and Prosecutor in the same county - has been Prohibited by the Supreme Court recently in the Clark Case.

1. Is there any case now pending or about to be brought before this court which:
(A) Arises from substantially the same case or controversy as this appeal? The forfeiture matter has not been litigated, but Moretti has filed appeals in the Supreme Court for many years which have stated that there are zoning, planning, and municipal problems at the subject real estate at 391 Park St., Hackensack, N. J. Now the city/state/utility have chosen to act by closing down the building upon the issuance of fraudulent water readings and have thereby worked a forfeiture as described.
(B) Involved an issue that is substantially the same, similar or related to an issue in this appeal? See answer above.
If Yes, State Case Name, and Appellate Division No. My legal files were seized by the Bergen County Sheriff when my office was shut down and I was evicted from 390 Park St, Hackensack, N. J. I do not have this information available at this time.

The time for filing your brief and appendix is governed by Rule 2:6-11 unless modified by court order. If any circumstances exist which might justify a shorter or longer period of time, give a detailed explanation. Your answer does not alter the time limits set forth in the Rules of Court. I have been supplying the Supreme Court with voluminous materials, and the delays encountered from the shut down of

my office and the loss of income have caused delays.

In the event there is any change with respect to any entry on the Case Information Statement, appellant shall have a continuing obligation to file an amended Case Information Statement on the prescribed form.

Filed by Appellant: SALVATORE MORETTI.
DATE; FEBRUARY 7, 2000.
SIGNATURE (s) Salvatore Moretti, Pro Se Appellant

Salvatore Moretti
Canal Street Station
Post Office Box 1306
New York, New York 10013-0876

November 1, 2000

Clerk of the Court
United States Supreme Court
United States Supreme Court Building
1 First Street, N. E.
Washington, D. C. 20543

re: Appeal to the United States Supreme Court from the Final Judgment of the New Jersey Supreme Court rendered on October 3, 2000, Salvatore Moretti v. United Water Resources, Inc., City of Hackensack, and State of New Jersey, N. J. Supreme Court No. 49,242.in re: United Water v. Moretti, BER-L-4114-98; in re: 391-395 Park Equities v. Moretti, F750298, Ch 755964; in re: N. J. v. Moretti, Municipal Court, Complaint No. SC 2000 001566, and Order to Remove Fuel Oil Tank from 391 Park St., Hackensack; in re: Motion for Summary Judgment, Moretti v. Citibank, N. A., Citibank, Branch No. 11, Mary Wing, John Doe, et al., Index No. 2727-96. Motion for Summary Judgment dealing with robbery.

Dear Sir:

I enclose the Index to the Innocent Owners Defense to the forfeiture of real estate in Hackensack, New Jersey, the county seat of Bergen County. Said papers were filed with the state agents in the county seat.

On October 27, 2000, I wrote to you that the appeal papers were presenting a problem due to the forfeiture which shut down my office at 390 Park street, Hackensack, as well as the forfeiture of a twenty unit apartment house which also stored my legal papers. Files from the three buildings had been removed and sold as well. Office equipment was sold. Such office equipment as remains is not being repaired by the manufacturer or their service companies. I have to work seven days per week until midnight to pay off credit card debt and restore credit due to the refusal to extend loans by the recently merged banks.

As a result, I believe that I may need an extension of the time within which to file the appeal papers.

Very truly,
(s) Salvatore Moretti
enc. Index to Innocent Owners Defense

Related Cases:

Salvatore Moretti
Canal Street Station
Post Office Box 1306
New York, N. Y. 10013-0876

SALVATORE MORETTI,
Plaintiff
v.
JOSEPH CICCONE, SHERIFF OF BERGEN COUNTY, AND THE BERGEN COUNTY SHERIFF'S DEPARTMENT,
Defendants

U. S. DISTRICT COURT
NEWARK, NEW JERSEY

DOCKET NO.: 04809 (FSH)

COMPLAINT AND JURY DEMAND
DEFICIENCY ACTION, AND
CIVIL RIGHTS VIOLATIONS

PARTIES

SALVATORE MORETTI, property owner, 387, 390, 391, 395 Park Street, County of Bergen, City of Hackensack, State of New Jersey.
SHERIFF JOSEPH CICCONE, Sheriff of Bergen County, State of New Jersey

BERGEN COUNTY SHERIFF'S DEPARTMENT, COUNTY OF BERGEN, STATE OF NEW JERSEY.

JURISDICTION

Deficiency Action under New Jersey Stat. Ann. 2A: 50-3: Plaintiff claims that the Sheriff's Sale to T Performance was a sham sale resulting in an inadequate sale price. T Performance sold to Yolanda for $109,000 profit four months after the owner was evicted by the Bergen County Sheriff of February 11, 1998. Moretti protested that there was no certified check given at the Sheriff Sale by T Performance, the only statement by a friend of O'Shea was that he was in real estate and he knows about such matters. Plaintiff Moretti's properties were previously rendered economically useless by the City/State (contrary to Lucas v. South Carolina Coastal Council, 505 U.S. 1003, 112 S. Ct. 2886, 120 L.Ed.2d 798). Moretti sued in state superior court (Bergen County) due to inverse condemnation.

Moretti claimed that a non-judicial administrative foreclosure deprived him of his property. The administrative foreclosure used fraudulent water bills to deprive Moretti of ownership. Suit was dismissed without a trial and Bergen county Chancery court refused to hear case as well. The City of Hackensack denied police services; the Chief of Police Charles "Ken" Zisa illegally ran for political office District 37 Assemblyman, contrary to city ordinance prohibiting the police from running for political office. The ordinance was not enforced due to the fact that police chief Charles "Ken" Zisa was the brother of the mayor of Hackensack, John "Jack" Zisa. The city attorney, Richard Salkin, was the campaign treasurer for both John and Charles Zisa. The offices of both the full time city manager, LaCava, and the municipal judge, Louis Dinice, were rendered useless since the head of Bureau of Criminal Justice was Frank Zisa, Jr. (son of the former mayor Frank Zisa Sr.) B.C.I. provided Louis Dinice with numerous reports in order to issue search warrants and arrest and incarcerate Moretti in the county jail and eventually seized Moretti's properties, in violation of Moretti's civil rights, as guaranteed by 42 United States Code Section 1983, et. seq.

COMPLAINT

SALVATORE MORETTI, BY WAY OF COMPLAINT, HEREBY UNDER OATH DECLARES AS FOLLOWS:

COUNT ONE

1. Salvatore Moretti is the owner of property situated at 387-390391-395 Park street, Hackensack, New Jersey.
2. Salvatore Moretti, plaintiff, submitted an Innocent Owner Defense to forfeiture of said properties to the Federal Bureau of Investigation, the New Jersey Attorney General, the Internal Revenue Service, the Bergen County Prosecutor's Office, the Sheriff of Bergen County, the Manhattan District Attorney, and others, and attach hereto copies of part of the 6,000 pages thus far submitted.
3. The gravamen of this action is that T Performance reaped a windfall as a result of the sale of Moretti's property at 390 Park Street, Hackensack, New Jersey of $109,000 as the result of an inadequate sale price at the Sheriff=s Sale

conducted by the Sheriff of Bergen County. The transfer is recorded at Bergen County Deed Book 8124, page 623 et. seq. Which states that Bergen County Sheriff Jay Alpert transferred title of 390 Park Street, Hackensack to T Performance, Inc. for $56,000,00 on October 2, 1998. T Performance, Inc. sold the single family house located at 390 Park Street to Eric M. Reynolds and Yolanda Reynolds on June 18, 1999 for $165,000, recorded at Bergen County Deed Book 8199, page 629.

4. The Sheriff evicted Moretti on February 11, 1999 from 390 Park Street, Hackensack, despite the pendency of state chancery court and Superior court appeals.
5. All of Moretti's belongings were removed from the house at 390 Park Street, Hackensack, and subsequently sold by a storage facility, despite knowledge that Moretti was a law school graduate and running an office from his home at 390 Park Street, Hackensack. Moretti operated a twenty unit apartment house (387-391-395 Park Street, Hackensack, New Jersey) from the single family house at 390 Park street, Hackensack. Moretti was also a political candidate for city council in 1981, and had paid off all mortgage as early as June, 1979. Continued loans were need to stabilize the neighborhood due to nuisances such as the burning down of 111 Passaic Street 50 feet from Moretti's apartment house on March 10, 1978, due to an adjacent psychiatric halfway house which housed mental patients at 387 Park Street, and an adjacent garbage compactor factory fronting on Railroad Avenue. Moretti was the victim of an assault and battery by a mental patient in 387 Park Street, Hackensack. Moretti's car was axed and rammed, causing $1,700 of damage. Moretti's house at 390 Park street, Hackensack, had all its doors sealed shut by B. Freeman, but the police chief refused to accept the complaint claiming any such complaints would result in Moretti's being jailed at the county jail (Moretti was so jailed at the Bergen County Jail, River street annex, due to his filing the complaint).

6. The city of Hackensack had denied police services over ten years to Moretti at these addresses due to a conflict resulting from the chief of police also being a Democratic assemblyman for District 37. Police Chief Charles 'Ken" Zisa used campaign contributions from the city attorney Richard Salkin and brothers Frank Jr. (head of Bureau of Criminal Identification) and John "Jack" Zisa, the mayor of Hackensack. The police chief also demanded payments from Moretti and numerous other business managers for his political campaigns, and shut down non-contributors.

WHEREFORE MORETTI DEMANDS $109,000 FROM THE PROCEEDS OF THE SALE, AND SUCH OTHER RELIEF AS MAY BE DUE UNDER THE FACTS AND LAW AS A TRIAL BY JURY MAY REVEAL IN THIS MATTER.

Date: September 29, 2000

Signed by (s) Salvatore Moretti, Plaintiff

CERTIFICATION

I, Salvatore Moretti, hereby verify that the foregoing statements made by me are the truth. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Date: September 29, 2000

By: (s) Salvatore Moretti

JURY DEMAND

Plaintiff demands a trial by jury on all facts in controversy.

Date: September 29, 2000

By: (s) Salvatore Moretti

State of New Jersey, Plaintiff-Respondent, v. Harry Kittrell, Defendant-Appellant. 145 N.J. 112, 678 A.2d 209, Argued February 13, 1996 - Decided July 3, 1996. There is a case involving Leo R. Jones, and Lonzie Collier at the buildings adjacent to Salvatore Moretti's home (described as a known drug location by the Appellate Division in the New Jersey Superior Court Reports) at 390 Park Street, Hackensack, and directly across the street from 391-5 Park Street, Hackensack, N. J. The case was heard by the Appellate Division, which

found on behalf of the defendants, but was reversed by the New Jersey Supreme Court. State of New Jersey, Plaintiff-Respondent, v. Leo R. Jones, Defendant-Appellant, Superior Court of New Jersey, Appellate Division was submitted October 4, 1994, and decided November 14, 1994. The Synopsis of that case is as follows:

SYNOPSIS

Defendant was convicted of burglary, in the Superior Court, Law Division, Bergen County, and defendant appealed. The Superior Court, Appellate Division, Long, J.A.D. held that outstanding arrest warrant against codefendant, along with flight of co-defendant and defendant into knowing [known] location, did not meet exigent circumstances exception to search warrant requirement.

Reversed and remanded.

Before Judge BRODY, LONG AND LEVY.

John J. Fahy, Bergen County Prosecutor, attorney for respondent (John J. Scaliti, Assistant Prosecutor, of counsel and on the letter brief).

Bergen County Indictment No. S-0603-90 charged defendant, Leo R. Jones, with first degree robbery contrary to N.J.S.A. 2C:15-1 (count one); burglary, contrary to N.J.S.A. 2C:18-2 (count two); possession of heroin, contrary to N.J.S.A. 2C:35-10a(1) (count three); and receiving stolen property, contrary to N.J.S.A. 2C:20-7 (count six) [Fn. 1: The indictment also charged Lonzie Collier with first degree armed robbery (count three), burglary (counts two and four), possession of heroin (count three), and theft (count five). In addition, the indictment charged Dwight Medley with possession of heroin (count three).]

Prior to trial, defendant moved to suppress the physical evidence obtained against him as a result of a search and seizure which took place on October 18, 1989. He also moved to suppress [p. 116] the oral statements he gave to the police. The motions were denied.

The counts of the indictment regarding defendant were severed and he stood trial on the burglary charge. He was

found guilty and sentenced to a four-year custodial term to run consecutively to the sentenced he was then serving. An appropriate Violent Crimes Compensation Board penalty was also imposed.

Defendant contends that the following errors warrant reversal:

POINT I:

DEFENDANT'S CONVICTION MUST BE REVERSED BECAUSE THE STATE'S UNREASONABLE SEARCH AND SEIZURE VIOLATED DEFENDANT'S FEDERAL AND STATE CONSTITUTIONAL RIGHTS.

POINT II:

DEFENDANT'S CONVICTION MUST BE REVERSED BECAUSE DEFENDANT'S INCRIMINATING STATEMENT AND THE TESTIMONY THERETO WERE ERRONEOUSLY ADMITTED IN EVIDENCE, THEREBY DEPRIVING DEFENDANT OF HIS FEDERAL AND STATE CONSTITUTIONAL RIGHTS AGAINST SELF-INCRIMINATION.

POINT III:

DEFENDANT'S FOUR-YEAR PRESUMPTIVE TERM MUST BE VACATED BECAUSE THE MITIGATING FACTORS OUTWIGHED THE AGGRAVATNG FACTORS AND/OR THE SENTENCING COURT FAILED TO PROVIDE AN EXPLICIT STATEMENT ON THE RECORD AS TO HOW THE MITIGATING AND AGGRAVATING FACTORS WERE BALANCED.

Because we agree with defendant that the search and seizure which led to the arrest violated the constitution, we reverse the order denying suppression of evidence and the inculpatory statement which was obtained as a result of his arrest; we grant suppression and reverse defendant=s conviction which was based primarily on inadmissible evidence. The facts established on the motion to suppress follow.

On October 15, 1989, Peter Katsihtis, a Hackensack resident, parked his Mazda MX6 in the parking lot of the Stony Hill Inn, which was across the street from his residence at 222 Ellen Terrace. He had permission to park there from the owner of the Stony Hill Inn, who was a relative. The following morning, Katsihtis found that the passenger's side window of his car was broken and that the car had been entered. Missing from the car [p. 117] were Katsihtis's wallet, driver's license, registration, social security card, cassette tapes and car mats.

Katsihtis reported the burglary to the Hackensack Police Department.

On October 18, 1989 Sergeants Michael Mordaga and Robert Wright of the Hackensack Police Department were conducting a surveillance near 370 Park Street, an apartment complex in Hackensack. The surveillance was on a matter unrelated to defendant. The police officers observed defendant and a Lonzie Collier drive into the parking lot close to where the officers were parked and exit from their car. Mordaga, who was aware that an arrest warrant had been issued for Lonzie Collier but was unaware of the reason for the warrant [Fn. 2. The arrest warrant was issued for Collier's failure to pay fines assessed for prior convictions.], exited the police vehicle and approached Collier and defendant. Collier and defendant immediately fled to the front of the building.

Mordaga and Wright chased the two fleeing men into the apartment building and up the stairs to the third floor where they observed the men enter apartment 312 at the end of the hall. The door was locked and Mordgaga testified that he kicked it in. He further testified: "[I]mmediately upon entering the apartment to the right of the door was a kitchen table. There were several items on that table. There was assorted narcotic paraphernalia."

Mordaga also observed several documents on the kitchen table relating to Katsihtis, including a social security card, a driver's license, a check, a bank card and a vehicle registration. The police also spotted and seized a crowbar, which was wrapped in newspaper, on the floor near the base of the table. They arrested Collier and defendant and advised them of their Miranda rights. Collier and defendant were the transported to police headquarters.

Once at police headquarters, defendant stated a willingness to cooperate with the police. Mordaga testified that "[defendant] stated that he had information regarding Lonzie Collier and [p. 118] himself committing several crimes to which he was the driver and he was willing to cooperate with the police at that time and cooperate with whatever detective

was involved in those cases" Mordaga re-advised defendant of his Miranda rights but did not himself interrogate defendant or take his statement because the crime was not narcotics related and, therefore, a detective from General Investigation was needed to obtain any further information.

Shortly after 8:00 p.m., the following day, Mordaga approached a Detective Krakowski and asked him to look through the files and see what was available about a car burglary at the Stony Hill Inn. Krakowski located the file and at around 8:50 p.m. sat down with defendant, at which time defendant was again advised of his Miranda rights. Defendant subsequently signed a waiver form acknowledging his receipt and understanding of the Miranda rights. Krakowski then took a statement from defendant relating to the October 15 burglary at the Stony Hill Inn. Defendant related that he had been in a car with Lonzie Collier and that Collier had told him to pull over to the Stony Hill Inn's parking lot. Collier existed the defendant's vehicle and used a crowbar to break into the parked car. Defendant related that when Collier returned to defendant's vehicle, Collier had said that there was nothing of value in the parked car.

Defendant did not take the stand on his own behalf at trial, nor did he call any witnesses. The jury found him guilty of burglary.

[p. 119] The State claims that the outstanding warrant against Collier, along with the flight of Collier and defendant into a known drug location (emphasis added) met the exigent circumstances exception. We disagree. In our view, this situation is governed by State v. Bolte, 115 N.J. 579, 560 A.2d 644, cert. denied, 493 U.S. 936, 110 S. Ct. [p. 120] 330, 107 L.Ed.2d 32 0 (1989). There, the court addressed the question of whether a police officer in "hot pursuit" of a person suspected of a number of motor vehicle and disorderly persons offenses, committed in the officer's presence, could make a warrantless entry into the suspect's home to effectuate an arrest. The probable cause prong of the exception obviously was met in Bolte by the officer=s observations. It was

exigency which was the issue. In reaching its conclusion that such an entry is unconstitutional, the Supreme Court in Bolte relied on the decision in Welsh v. Wisconsin for the proposition that an arrest for a minor offense rarely, if ever, can support a finding of exigency sufficient to justify a warrantless home entry. Id., 115 N.J. at 590-91, 560 A.2d 644 (citing Welsh v. Wisconsin, 466 U.S. 740, 750, 104 S.Ct. 2091, 2098, 80 L.Ed.2d 732, 743 (1984). While Welsh did not involve a question of hot pursuit, it did hold that the Fourth Amendment prohibited police from making a warrantless night entry into a home to arrest defendant for the violation of "nonjailable" traffic offense. Welsh, supra, 466 U.S. at 754, 104 S.Ct. at 2093, 80 L.Ed.2d at 746Y

[p. 121] The State argues that the warrant for Collier's arrest justified the pursuit of the fleeing defendant and Collier, as well as the entry into apartment 312, and serves to distinguish this case from Bolte. We disagree. If arrest for numerous motor vehicle and disorderly persons violations committed in the officer's presence does not justify invading the sanctity of a private home, it follows that execution of an arrest warrant issued for similar minor offenses would not validate such an invasion.

Here, the officers sought to effectuate an arrest warrant by breaking into a private home without the slightest idea whether the warrant was for murder or for the payment of a fine (the latter ultimately proving correct). Not knowing the nature of the warrant, in our view, places the pursuing officer in the same situation as in Bolte.

[p. 122] It follows that defendant's conviction for burglary must be reversed because most, if not all, of the evidence against him was inadmissible.

Reversed and remanded.

SUPREME COURT APPEAL

State of New Jersey, Plaintiff-Appellant, v. Leo R. Jones, Defendant-Respondent. Argued October 10, 1995 - Decided December 13, 1995.143 N.J. 4.

SYNOPSIS

Defendant was convicted of burglary in the Superior Court, Law Division, Bergen County, and he appealed. The Superior court, Appellate Division, 277 N.J. Super. 113, 649 A.2d 89, Long, J.A.D, reversed and remanded. State petitioned for certiorari. The Supreme Court, Garibaldi, J., held that; (1) officers who arrested defendant and his companion had valid right to enter apartment into which the pair fled in view of knowledge of an arrest warrant for companion, and (2) officers acted reasonably in using force to enter apartment and were not required first to knock and announce their presence.

Judgment of Appellate Division reversed, and conviction reinstated.

John J. Scaliti, Acting Assistant Prosecutor, argued the cause for appellant (Charles R. Buckley, Acting Bergen County Prosecutor, attorney).

Nancy Peremes Barton, Deputy Attorney General, argued the cause for amicus curiae, Attorney General of New Jersey (Deborah T. Poritz, Attorney General, attorney).

[p. 7]

The opinion of the court was delivered by GARIBALDI, J.

In this appeal, the issue is whether it was reasonable, under the Fourth Amendment of the United States Constitution and Article 1, paragraph 7 of the New Jersey Constitution, for a police officer, following the fleeing subject of an outstanding arrest warrant, to enter a private residence using force if the officer did not know the offense underlying the warrant.

[p. 8]

Two days later [after the burglary at the Stony Hill Inn], on October 18, 1989, Sergeant Michael Mordaga and Robert Wright of the Hackensack Police Department's Narcotics Street Crime Unit were conducting a surveillance near an apartment complex located at 370 Park Street. The police surveillance was unrelated to defendant. During the surveillance, the officers observed a vehicle containing

defendant and a companion, Lonzie Colier, pull into the parking lot. Mordaga recognized Collier from previous encounters and also remembered having seen an outstanding warrant for his arrest earlier that evening. At that time, Mordaga did not know the offenses underlying the issuance of the warrant. Subsequently, he learned that the warrant was issued for Collier's failure to pay fines assessed for two prior convictions of possession of narcotics paraphernalia.

On seeing Collier, the police officers exited their vehicle and approached Collier and defendant. The defendant and Collier fled. The record is unclear about whether the officers informed Collier that they had a warrant for his arrest before the men ran away. At the pretrial suppression hearing, it appeared that Collier and defendant fled before the officers had an opportunity to inform Collier that they had a warrant for his arrest Alternatively, Collier and defendant may have been too far away to have heard the officers. At trial, however, Mordaga testified on cross-examination that "he attempted to get [Collier's] attention by calling him. 'I said, "Toot" which is his nickname, "Toot", we have a warrant for your arrest.' He turned. At the same time he saw us approaching and he ran."
[p. 9]

Both Collier and defendant knew that Mordaga and Wright were police officers. It is also undisputed that both Collier and defendant fled either on seeing the officers or on being informed that the police had a warrant for Collier's arrest. Mordaga and Wright gave chase. Defendant and Collier entered the apartment building with the two police officers not far behind. Collier and defendant ran up the stairs and quickly entered apartment 312. Mordaga and Wright followed them.

The facts establish that the police tried the door, found it locked, and kicked it down. The record is unclear as to whether the officers knocked and announced their presence at the apartment before breaking down the door.

The Appellate Division's holding that police officers may not chase fleeing suspects into private residences unless armed with a warrant for a non-minor offense creates an unworkable and unreasonable standard.

Amicus curiae, the Attorney General of the State of New Jersey, and the Bergen County Prosecutor observe that because of the volume of outstanding warrants, police officers rarely know the underlying offense on which the arrest warrant is issued. Officers simply know that a warrant exists for a certain individual and that it is their duty to arrest that person when they see him or her. At trial, the court was advised that over 1,000 warrants for contempt of court alone are issued by the Municipal Court of Hackensack each year. [p. 17] The magistrate has the duty and neutrality to determine whether a warrant or a summons should be issued. If the magistrate determines that a warrant should issue, his or her decision should not be second-guessed by the police officer. Law enforcement officers have a duty to enforce validly issued arrest warrants without distinction, whether they were issued for minor or serious offenses.

[p.20] Under the totality of the circumstances here, we find that the police officers acted in an objectively reasonable manner under the Fourth Amendment and Article 1, paragraph 7 of the New Jersey Constitution, when they followed Collier, the fleeing object of the warrant, into the apartment.

The judgment of the Appellate Division is reversed, and defendant's conviction is reinstated.

For reversal and for reinstatement - Chief Justice WILENTZ, and Justices HANDLER, POLLOCK, O'HERN, STEIN, COLEMAN and GARIBALDI - 7.

For affirmance - None.

The Bergen News, Wednesday, January 3, 2001
P,S,V-3

Beleagured sheriff Ciccone finds himself target of poem
By Douglas E. Hall

Sheriff Joseph Ciccone, facing a challenge from his own Democrat party in his hope of winning a second term next year and investigations by the state Attorney General's office and the county Prosecutor's Office, the beleaguered chief of the county jail now is fighting off an attack in the form of a poem which he finds rises to the level of a bias crime.

And that's what he told the state Attorney General's office, which acknowledges his complaint, referring it to the Biased Crimes and Community Relations Office of the Division of Criminal Justice.

What does Attorney General's office think of Sheriff Ciccone's complaint? "We don't comment on any ongoing investigation," is the comment from a spokesman. The poem, which is a parity on "Twas the Night Before Christmas,"" reportedly depicts the sherif and some of his staff engaging in homosexual activities.

Sheriff Ciccone was not available for comment at press time.

Assemblyman Charles "Ken" Zisa (D- Dist.37), who is also Hackensack's police chief, announced his candidacy for Bergen County Sheriff Monday, Dec. 28, with wide support of Democrat leaders.

Sheriff Ciccone contends he has been the victim of a press/political smear campaign that has more to do with being a Democrat Sheriff in a GOP-dominated county government than on any particular shortcomings of his administration.

In November officers from the state Attorney General and the county Office arrested two of Sheriff Ciccone's department employees and charged them with corruption. Investigators

are continuing to look into whether department officers exchanged jobs and promotions for cash or contributions to Ciccone's 2001 reelection campaign fund.

Reflecting on his "non-traditional" approach to the sheriff's job, Mr. Ciccone said, "I am a law enforcement professional and brought 20 years of law enforcement experience as well as advanced educational degrees to this office."

Sheriff Ciccone, a former Fairview police sergeant and school board member, now resides in Cliffside Park.

January 17, 2000. Bergen New - South Edition (Cliffside Park, Fairview, North Bergen)

BC Sheriff pleads guilty to misconduct, campaign irregularities. By Marsha Stoltz

Hackensack - Bergen County Sheriff, Cliffside Park native and former Fairview police sergeant Joseph L. Ciccone pleaded guilty to charges of official misconduct and improperly demanding campaign contributions from public officials in Morris County Superior Court Thursday, Jan. 11.

The plea came into a response to a seven-moth investigation of his department by the state Attorney General's office and the Bergen County Prosecutor office that had already resulted in the arrest of two subordinates on various campaign fund charges.

Sheriff Ciccone's plea before judge Theodore Bozonelis effectively ended his tempestuous two-year reign at the head of the county's $35 million, 445-officer unit whose primary responsibilities are courthouse security and operation of the Bergen County Jail.

Sheriff Ciccone pleaded guilty to one count of third-degree official misconduct and one count of fourth-degree demands for campaign donations from public officials.

He specifically pleaded guilty in open court to;

- Requiring sheriff department employees to sell tickets to campaign fundraisers; and exchanging appointments, promotions and transfers to those employees for their help;

- Selling "honorary special deputy" department badges in return for contributions to his election account, charging the county for the badges and falsifying county records to hide the transaction;

- Soliciting campaign donations from vendors with potential interest in county contracts, and promising them favorable treatment of their bids in return for such donations;

- Doctoring campaign finance reports to hide the size of contributions received.

Sheriff Ciccone attorney, former Bergen County prosecutor James Fahy now with the firm of Reid Smith in Newark, declines comment. However, the Sheriff's office issued a terse statement the day of his resignation stating he was "retiring" from the post.

The plea would normally be rated a second-degree crime punishable by a maximum of 10 years in prison because of the amount of money involved. By lumping the various charges into a single third-degree offense, Sheriff Ciccone is expected to avoid jail timer, and be sentenced to probation at his hearing in March.

Shierff Ciccone was elected to the post in November 1998 in a surprise Democrat upset over Republican Jay Alpert. Since his election, Sheriff Ciccone has been the subject of continuous public disputes with the Republican-dominated Bergen County Freeholders over every aspect of his post-from progress on jail construction to escaped criminals.

Sheriff Ciccone contended he has been the victim of a press/political smear campaign that had more to do with being a Democrat Sheriff in a GOP-dominated county government than on any particular shortcomings of his administration.

Freeholder complaints escalated as the November 2000 elections neared, attempting to associate Sheriff Ciccone's misdeeds with the Democrat party challengers for Freeholder. However, Democrat candidates Jack Alter and Valerie Vanieri [p. 2] Huttle won election over the GOP incumbents, providing Democrats with their first control of government in 15 years.

Sheriff Ciccone was due to run for re-election in November 2001. However, Assemblyman Charles "Ken" Zisa (D-Dist. 37), Hackensack's police chief, announced his candidacy for Bergen County Sheriff post on Dec. 28, flanked by county and state Democrats and even former GOP Sheriff Alpert now serving as Hackensack's police sergeant.

Assemblyman Zisa's announcement was viewed as the political equivalent of a "no-confidence" vote for Sheriff Ciccone, and was widely viewed ending Sheriff Ciccone's hopes of running, at least as a Democrat-sponsored candidate.

Pleading guilty to a felony also effectively ends Sheriff Ciccone's law enforcement career. He was previously a sergeant with the Fairview police force.

December 16, 2000. The Record
Terhune resigns amid scandal
Admits errors in jail releases.
Br Randy Diamond, Trenton Bureau

State Corrections Commissioner Jack Terhune resigned Friday amid a cloud of controversy over his department's failure to give county prosecutors adequate notification that sec offenders were being released into the community.

Terhune, the former Bergen County sheriff who became corrections commission in March 1998, refused to offer a detailed explanation of is resignation, other than to say that he needed a break after 30 years of public service.

But Terhune did acknowledge that his department made mistakes in not giving county prosecutors the required 30-days notice that sec offenders were being sent back into the community.

"I take full responsibility for it," he said.

Terhune, whose resignation from the $115,000-a-year job takes effect in January, had been in hot water with senior aides to Governor Whitman over his handling of the Corrections Department's sexual offender notification program.

Per McDonough, Whitman's spokesman, said Friday that Terhune had not been asked to resign, but was leaving voluntarily.

"We're entering the last year of the Whitman administration." McDonough said. "It's perfectly understandable he would want to leave."

In a statement, Whitman praised Terhune's leadership, saying he had curbed overtime abuses and improved the safety of prison guards and inmates.

"Jack modernized the Department of Corrections with an eye on both the public safety and the [See Resign Page A-17] public coffers," she said

Terhune was appointed by Whitman when the ;previous corrections commissioner, William Fauver, was forced out after two decades.

Terhune, 52, said he needed time to ponder his future. Though he recently bought a house in Clinton Township in central New Jersey, Terhune said he would not rule out a return to Bergen County politics.

Terhune had developed a reputation as a maverick, smooth talking lawman in Bergen County who knew how to win friends and curry political favor. His support of Whitman in 1997 helped her win Bergen County, which in turn helped her win a second term in the close election.

As sheriff, he proposed the purchase of a helicopter and made a point of showing that he wasn't tough just on crime, but on inmates, too, by forcing Bergen County prisoners to co-pay for medical service.

But Terhune also has attracted his share of controversy. As sheriff, he was criticized by the state Attorney General's Office for having sheriff's officers pose as reporters to monitor a protest march.

Earlier, as a Teaneck police lieutenant in charge of the detective division, Terhune was accused by the Bergen County Prosecutor's Office of coaching Officer Gary Spath, who shot and killed a black teenager, on what to say while on trial. Terhune worked for 22 years in Teaneck before becoming sheriff in 1990.

Terhune's problems as corrections commissioner came as his department tried to comply with the state's Megan's law program, which requires county prosecutors to be notified at least 30 days before a sex offender is released from prison into the community. Prosecutors are then required to notify local residents of offenders considered likely to commit another sexual offense.

In March, prosecutors in Bergen and Passaic counties said they were not notified of the release of a man who had raped one teenage girl and thrown another from a bridge until after he was out of jail.

The man, Raymond Alves, never registered with police and was the subject of a two-week manhunt.

Terhune had insisted the oversight was an aberration.

In September, however, s state Senate investigation concluded that Alves' release was no aberration, but just one example of a systemic breakdown in the state's tracking of freed sex offenders.

The next month, Michael Chertoff, a former U. S. attorney, charged that Terhune had been "less than forthcoming" in

providing information to a legislative panel investigating the agency's failure.

Terhune's problems seemed to worsen last month when Whitman publicly expressed her displeasure that the problems were still not corrected.

The governor was responding to reports that s relative of an assault victim had spotted the man who committed the assault at a shopping mall. The victim believed her attacker was still in prison. Instead, he was released Oct. 30, according to corrections officials.

Corrections workers sent notice of his release to prosecutors in Camden County, instead of Cape May County, where the crime occurred and where he planned to live.

The controversy over the notification system wasn't Terhune's only problem over the last few months.

This fall, McDonough revealed that an internal affairs investigation by the corrections Department showed that a state-owned computer at Terhune's home was used to access pornographic material. But McDonough said the investigation showed that it was a juvenile in Terhune's home who was viewing the material on the computer, not Terhune.

Aldar Komjathy, spokesman for three corrections unions representing 1,100 supervisors who work in state prisons, said the officers did not respect Terhune.

The officers thought of his as a politician who did not understand the corrections business," Komjathy said.

The Press Journal, Thursday, September 7, 2000. P. 4
Time to impeach judges, NJ's 'Super Legislature'
By State Sen. Gerald Cardinale (R-Dist. 39)

"It's time to the people demand that their Legislature rein in the 'New Jersey Super Legislature' which has been masquerading as our court. The latest absurdity this 'super Legislature' has forced on the people is 'parents don't have a

right to know what their kids are doing,' especially if that knowledge might hurt the income of Planned Parenthood and other abortionists. If the Legislature had the foolishness to enact an absurd law, the people could rightly elect new representatives, but the 'super Legislature' (the court) is out of the people's reach.

"This latest abuse comes after a whole line of obscene impositions on the people of New Jersey by these out-of-control supreme egos, posing as judges. We have had Mount Laurel, Abbot v. Burke and requiring the public to pay for low-income women's abortions, to name a few.

"The citizens of New Jersey do not have the same recourse which is available to people inmost other states. In most states, the people's vote can oust corrupt judges, but in New Jersey the people have no such option. Autocracy should have no place in a democratic society. Even in the Soviet Union, autocratic rule has been eliminated. It's time the people of New Jersey were similarly freed.

"I suggest we start by impeaching Portiz, Long, Coleman and Stein and follow that up by appointing all judges for four-year terms with their continued tenure dependent upon a vote of confidence from the people. Many states enjoy such a system. It works well to keep judges from becoming dictators. It's time New Jerseyeans spoke out and demanded their legislators and governor support similar rights for New Jerseyeans.

Editor's note: District 39 includes Alpine. Closter, Cresskill, Demarest, Englewood Cliffs, Harrington Park, Haworth, Northvale, Norwood, Old Tappan, Rockleigh and Tenafly.

The Record, March 14, 2000, page L-1

4 suspended in Cliffside park scandal; Theft-arson conspiracy case rocks town

By Peter J. Sampson, Staff Writer

Cliffside Park - "Four borough employees, including the brother of the Bergen County sheriff and the twin sons of a councilman, were suspended without pay Monday in the wake of their indictment in a theft and arson conspiracy that has sent shock waves through the community.

"Borough Administrator Brian McGirt, said the four were relieved of their duties pending the filing of formal administrative charges.

"The four are: Fire Official David Biasco and his brother, police Sgt. Frank Biasco Jr.; Construction Code Official Robert Cimmino; and Michael Ciccone, a $37,148-a-year Department of Public Words heavy equipment operator.

"Ciccone, 38, of Dumont, is the brother of Sheriff Joseph Ciccone. He has been a borough worker since 1985 and was regarded as one of the best employees in the DPW, McGirt said.

"Cimmino, 44, of Ridgefield Park, has been construction official since 1990. He is also the borough's housing inspector and is paid a combined salary of $45,650. McGirt said the borough has asked John Candelmo, the construction official in Edgewater, to take over Cimmino's responsibilities on an interim basis.

"Fire Capt. Glenn Marvel will step in for David Biasco, who is paid $42,800 as the fire official, a post he had held since 1985.

"Frank Biasco, Jr., who joined the Police Department in 1986 and is paid $72,330 a year, was suspended without pay following his arrest last May. The town recently gave him nearly $50,000 in back pay and put him back on the payroll at the recommendation of a municipal hearing officer who cited the lengthy delay in bringing the indictment.

"The indictment, announced Friday, linked the four borough employees and four other men in a plot to [page L-5] steal furniture, a car, a furnace, and other property from an

Oregon Avenue home following the May 1998 death of its owner, Frederick Erdos, a retired maker of costume jewelry.

"As part of the scam, authorities charged, an 'alleged emergency cleanup' costing $35,000 was fraudulently staged in July 1998 by the Biascos, Cimmino, and Vincent Aiello, 40, of Ridgefield, the owner of All-Safe Environmental Services.

"Months after the contents of the house were removed, the indictment charged, the dwelling was set ablaze on Jan. 28, 1999, by Frank Biasco Jr. and Tony Issa, 27, of Cliffside Park, a volunteer firefighter at the time.

"Each of the four borough employees was indicted on multiple counts of official misconduct, theft, witness or evidence tampering, and conspiracy to commit official misconduct. In addition, the Biasco brothers, whose father is Councilman Frank Biasco Sr., were charged with conspiracy to commit aggravated arson, and Ciccone was charged with conspiracy to commit bribery.

"The other two defendants named in the 45-count indictment were Ralph Rambone, 71, of Edgewater, the father-in-law of Frank Biasco Jr., and John Villanella, 34, of Cliffside Park, both of whom were charged with receiving stolen property and other offenses.

"Edward Imperatore, an attorney for the Erdos estate, said Monday that after months of genealogical research, an investigator has found possible heirs and attempts are being made to contact them.

"The defendants will face arraignment in several weeks, at which time they will enter formal pleas and bail, if any, will be set pending a trial.

"For now, however, McGirt said the borough will do its best to cope in the face of the worst scandal in a generation.

"'People are really shocked and dismayed. Some people are angry,' McGirt said. 'It's a difficult time for all of us. But we'll be able to carry through.'

"In neighboring Ridgefield, Mayor Stewart V. Veale said Monday that Aiello will likely be relieved of his post as a battalion chief, the third-ranking officer in the volunteer Fire Department.

"'I'm just disappointed. He's a dedicated fireman, and I'm sorry that he's involved in this situation,' Veale said. 'I think we will have to suspend him until the situation is resolved.'

Bergen County Prosecutor's Office - Press Release.
To: All News Media
From" Prosecutopr William H. Schmidt
Date: March 10, 2000

Contact: Assistant Prosecutor Michael Maher (201) 752-4106.

"Bergen County Prosecutor William H. Schmidt announced today that the Bergen County Grand Jury has indicted the following people:

1. Frank Biasco, age 33, of Cliffside Park, New Jersey
2. Robert Cimmino, age 44, of Ridgefield Park, New Jersey
3. David Biasco, age 33, of Cliffside Park, New Jersey
4. Vincent Aiello, age 40, of Ridgefield, New Jersey
5. Michael Ciccone, age 38, of Dumont, New Jersey
6. John Villanella, age 34, of Cliffside Park, New Jersey
7. Ralph Rambone, age 71, of Edgewater, New Jersey
8. Tony Issa, age 27, of Cliffside Park, New Jersey

Frank Biasco is a Sergeant with the Cliffside Park Police Department. Robert Cimmino is the Construction Official in the Borough of Cliffside Park and David Biasco is the Fire Official in Cliffside Park.

The Grand Jury charged Frank Biasco with nine counts of official misconduct, three counts of witness tampering, theft, fencing, theft by deception, aggravated arson, arson, bribery, conspiracy to commit bribery, conspiracy to commit official misconduct and conspiracy to commit aggravated arson. Robert Cimmino was charged with twelve counts of official misconduct, theft, fencing, theft by deception, tampering with or fabricating physical evidence, conspiracy to commit official misconduct and conspiracy to commit aggravated arson. David Biasco was charged with eight counts of official misconduct, theft, fencing, theft by deception, witness tampering, false swearing, conspiracy to commit official misconduct and conspiracy to commit aggravated arson. The Grand jury charged Vincent Aiello with seven counts of official

misconduct, theft, fencing, theft by deception, unsworn falsification, attempted theft by deception, tampering with or fabricating physical evidence, conspiracy to commit official misconduct and conspiracy to commit aggravated arson. Michael Ciccone was charged with two counts of official misconduct, theft, receiving stolen property, fencing, three co9unts of witness tampering, bribery, conspiracy to commit bribery, conspiracy to commit official misconduct. Ralph Rambone was charged with two counts of official misconduct, theft, receiving stolen property, conspiracy to commit official misconduct. Tony Issa was charged with aggravated arson, arson, official misconduct, conspiracy to commit official misconduct and conspiracy to commit aggravated arson. John Villanella was charged with receiving a stolen automobile and fencing.

"The presentation to the Grand Jury came about as a result of an investigation that was conducted by the Bergen County Prosecutor's Office Arson Squad, under the direction of Chief Roger Kane, and the Cliffside Park Police Department, under

the direction of Chief Joseph Dickman, of a fire at the residence of 583 Oregon Avenue, Cliffside Park, New Jersey on January 28, 1999.

"The charges arise out of a fraudulent scheme involving the residence at 583 Oregon Avenue after the owner, Frederick Erdos, had passed away on May 16, 1998. This scheme included the theft of furniture and a furnace from the house as well as an alleged emergency clean-up that was billed to the borough of Cliffside Park and ultimately to Mr. Erdos' estate. A fire was then intentionally set inside the house. Further charges arose out of efforts to obstruct the investigation through witness tampering and document fabrication.

"The investigation had previously resulted in complaints being filed against Frank Biasco and Tony Issa in May of 1999.

"Prosecutor Schmidt stated that the defendants are presumed innocent until proven guilty beyond a reasonable doubt. All further questions should be directed to Assistant Prosecutor Michael Maher, Chief of the Bergen County Prosecutor's Office Arson Squad, at (201) 752-4106.

Sample of **Numerous Sheriff's Sales Conducted in Bergen** County in Relevant Time Period in 1997. Sales By Then Bergen County Sheriff Jack Terhune, who resigned from office in 2001 as Head of Trenton State Prison

Sales by Sheriff's Office of Bergen County (ACCESSED NOW BY COMPUTER TERMINAL)

FPARTY	DOCDESC	TRANSDATE	BK_FL	PAGE
TERHUNE	DEED	8/22/97	7998	163
"	"	9/2/97	8000	239
"	"	9/4/97	8000	550
"	"	9/4/97	8000	803
"	"	9/4/97	8000	859
"	"	9/8/97	8001	877

"	"	9/8/97	8002	022
"	"	9/9/97	8002	096
"	"	9/9/97	8002	343
"	"	9/9/97	8002	351
"	"	9/9/97	8002	359
"	"	9/9/97	8002	351
"	"	9/10/97	8002	514
"	"	9/11/97	8003	310
"	"	9/12/97	8003	540
"	"	9/15/97	8003	827
"	"	9/15/97	8003	965
"	"	9/15/97	8004	190
"	"	9/16/97	8004	462
"	"	9/16/97	8004	613
"	"	9/18/97	8005	510
"	"	9/18/97	8005	595
"	"	9/19/97	8006	302
"	"	9/19/97	8006	275
"	"	9/23/97	8006	817
"	"	9/23/97	8006	853
"	"	9/24/97	8007	100
"	"	9/25/97	8007	429
"	"	9/25/97	8007	543
"	"	9/25/97	8007	586
"	"	9/25/97	8007	594
"	"	9/26/97	8007	650
"	"	9/29/97	8007	987
"	"	9/30/97	8008	399
"	"	9/30/97	8008	630
"	"	10/02/97	8009	472
"	"	10/06/97	8010	332
"	"	10/07/97	8011	047

SALVATORE MORETTI, CANAL STREET STATION
P. O. BOX 1306, NEW YORK, NEW YORK 10013

August 14, 2000

Bergen County Prosecutor's Office, Bergen County Justice Center, 10 Main St., Hackensak, N. J. 07601;
Maywood Municipal Court, 15 Park Avenue, Maywood, N. J.
Sheriff's Office, Bergen County Justice Center, qo Main St., Hackensack, N. J. 07601 att Foreclosure Unit;
Superior Court of New Jersey, Bergen County Justice Center, 10 Main Street, Hackensack, New Jersey 07601

re: 391-395 Park Equities, L.L.C. vs. Salvatore Moretti, Hackensack Water Company, Mayor John Zisa, Louis J. Dinice, and Henry J. Amoroso, Docket No. F-7502-98; Appel. Division Docket No. A-001819-98T2; New Jersey Supreme Court Docket No. 48,551. State of New Jersey v. Salvatore Moretti, Municipal Court, Complaint No. SC 2000 001566, and Order to Remove Fuel Oil Tank from 391 Park St., Hackensack; United Water New Jersey v. Salvatore Moretti, BER-L-4114-98. Motion - Default Entered by Judge Hamer June 28, 2000. Certification as to Conduct of Motion. Complaint issued by Hackensack Municipal Court -grass cutting. Request for Investigation by County Prosecutor's Office. Motion for Summary Judgment, Salvatore Moretti v. Citibank, N. A., Citibank, Branch No. 11, Mary Wing, John Doe, et al., Index No. 2727-96. Motion for Summary Judgment dealing with the robbery of Salvatore Moretti at Citibank Branch No. 11, located at Canal Street and Broadway, New York City, N. Y., on August 8, 1994.

Hon. Judge of the Superior Court, Judge Irving Aronin, Bergen County Prosecutor, Sheriff's Office, et als.:

On July 20, 2000, I delivered pages 5003-5396 of my certification constituting an "innocent owner defense" to the forfeiture at 391-395 Park Street (assessed $792,000 in 1990), Hackensack, New Jersey. Due to the fact that my copy machine has copied over 500,000 copies, another maintenance call is required to correct a defect which now prevents supplying the above with the materials I have assembled. The repair should be completed forthwith and you can expect receiving your August 14, 2000 notice within a few days. The prior July 20, 2000 certification addressed the issue of whether the work at the former residential twenty unit apartment house at 391 Park street, Hackensack, N. J. had been interfered with by the Hackensack Fire Dept., the Police Dept., and the United Water Resources, Inc., and whether the shut off of water on April 1, 1997 constituted an illegal take-over and condemnation of the subject real estate. This party maintains that he has complied with the work orders issued to him by the moving parties, and in fact that the courts have been on notice of the diligence and due care of the owner of the subject real estate. In fact, as the party plaintiff and party defendant in various legal actions, I, Salvatore Moretti hereby attest that I did in fact cut the grass at the site from April to July, 2000. During this period, I paid $350.00 for the pick-up of the garbage containers on site and removal of debris three times, yet the Hackensack Fire Department Bureau of Code Enforcement claims that is insufficient. I respectfully disagree. The foregoing work by myself and consequent $2,000 Fine/Penalty by the fire department came during pendency of the above captioned case before the New Jersey Supreme Court. My single family house at 390 Park Street was flipped over as a result of a sheriff's sale conducted at the Bergen County court house. It was the former Mental Health Consultation Center of Bergen County described at p. 4263. I am a graduate of George Washington University (p. 71) and

hold a degree in Psychology. I have been active in politics (ran for Hackensack city council in 1981), zoning litigation, apartment owners associations, homeowners associations, and founded the Park Street block association. I paid off the construction mortgage to Oritani Savings on time in April, 1979 (note letter at p. 3433). These factors should have been viewed in my favor, but it was viewed in my disfavor as shown in the materials thus far submitted. For example, my home at 390 Park Street was sold to the Sheriff's Sale bidder (O'Shea's friend as payment said merely "I am in real estate, you know.") and then O'Shea within four months of occupancy/ownership realized a profit of over $109,000. At page 2465 I show that Mr. Kevin O'Shea of T Performance sold the house July 18, 1999 realizing the bonanza. Clearly the Sheriff's Sale did not reflect the property's true value. 390 Park Street, Hackensack, [subject of an arson investigation about which I have advised you], was purchased by T Performance Inc. (Kevin O'Shea) for $56,000 - Deed Book 8124, p. 6239, on October 2, 1998; T Performance gained occupancy through Sheriff's Eviction on February 11, 1999, and then sold for $165,000 July 18, 1999 to Eric & Yolanda Reynolds Book 8199, page 629.

The shut down at 391-395 Park St., Hackensack, occurred April 2, 1997. On April 1, 1997 I appeared before Judge Lawrence Smith who failed to accept money into court to avert the shut down (p. 638). I was robbed at the Citibank on August 8, 1994. It is suspicious that men threw money at my feet from May to August, 1994 at the Citibank, which I reported to the security staff at Citibank. This was at the same time that Robert Zimmerer submitted his brief to the Supreme Court on behalf of Louis Dinice to prove that I should pay Dinice for believing that the fires and break-ins occurring on Park Street showed a pattern of judicial breakdown and intolerance for voters and residents' rights. My car's windows

were axed by a vandal resulting in over one thousand dollars of damage (p. 72), and the total loss of the vehicle. Dinice conducted many hearings on water usage. The transcript, which speaks for itself, is shown at page 277 of the innocent owner defense. I have included the transcript of proceedings (P. 5190-5237) before Hackensack Judge Louis Dinice on Sept. 28, 1989 and Oct. 5, 1989 which show that the judge was biased when he conducted hearings relating to the maintenance at 391-5 Park St., Hackensack. That bias carried over to later hearings relating to water payments and finally shut-down.

The Citibank case shows that my Park Street tenants' rent moneys were stolen at Citibank. Note the excess discovery granted to Citibank's lawyers who demanded I submit to a lengthy deposition at pp. 725-1023. The apartment building at 391-395 Park St. was shut down by the fire department in April, 1997 (due to "excess water usage"), which could not be paid due to the rent money's theft at Citibank. The basis of the excess water usage has not been elucidated to date. During the shut down, John Zisa and his relative, the police chief, Ken [Charles] Zisa won office, after running unopposed in Hackensack. Donald Lenner Esq. and Richard Salkin Esq. were the treasurers for city political campaigns for Zisa and his ticket, but they also appeared in opposition to me on numerous motions and trials claiming I should not get a real estate tax reduction, etc. Contributors to these campaigns included none other than Sills Cummis, et al. lawyers for Citibank. It has come to light that there is favoritism being shown for the Zisas, who occupy posts as Mayor, Police Chief, Deputy Police Chief [formerly Head of the Bureau of Criminal Identification which issued reports showing that 370 Park Street (whose owner offered one million dollars for my property) was a known drug location]. Segregation of work to avoid conflict of interest and to insure high standards of

performance is a prime factor in producing competent accounting. Mr. James LaCava, Hackensack administrator and liaison between the part time city council and the city departments, is a C.P.A. and should know this. Mr. LaCava conducted sweeps of Park Street properties and handed out citations, resulting in my shut down, as shown in documents enclosed herein from this period. The Hackensack police chief is the Mayor's (Jack) brother, and the head of the B.C.I. (Bureau of Criminal Identification) is the also the Mayor's brother. When Ken "Charles" Zisa ran for political office (it was prohibited under the Hackensack Ordinance for members of the Hackensack Police department to run for political office - Record article, p. 2400. The fire at 390 Park Street which nearly burned down my house - while I was in the building - nearly resulted in the death of my tenant who was employed as a election pole supervisor authenticating signatures. With over 4,000 sheriff's sales in Bergen since 1987 and the resulting loss of that many citizens in the county, a case can be made for election fraud in District 37, which Assembly District Zisa represents) he apparently exceeded the authority of the office of LaCava, the certified public accountant who currently is supposed to administer the city full time as its city manager.

Contributors to the Zisas campaigns have been the city prosecutor - Henry Amoroso, Charles Mason - the real estate appraiser who submitted the high appraisal for my property, the Sills law office - which represents Citibank, the Gentile funeral parlor - which received variance approval to rezone the land adjacent to my house at 390 Park St. for funeral parking, Richard Salkin, Esq. - the city attorney, and Donald Lenners, Esq. - who opposed tax reductions for the 391-5 Park Street apartments at the N. J. Tax Court, thereby resulting in working a forfeiture of the property. The forfeiture by the local police department under the police powers of the city comes through the use of a fictional water bill which is in dispute.

The political issues in this matter originate in the re-opening of Berry and Clay streets by the railroad. I have included the transcript of the proceedings conducted by the Deptartment of Transportation on Feb. 27, 1979 (P. 5012) and August 3, 1978 (P. 5075.80) on pages 5012-5091. Not only Hackensack Mayor Frank Zisa (P. 5075.88) and Hackensack Deputy Mayor Trammell (P. 5075.103, P. 5076) addressed the Dept. of Transportation, but Senator John Skevin, (P. 5075.86), Andrew Maguire (P. 5075.123), and myself (P. 5075.107).

Recently on July 6, 2000, I was surprised to discover that a hearing had been conducted by Judge Robert Hamer on June 28, 2000 and an order entered in my absence granting the water company's motion. The order reads, "this matter having been opened to the Court on June 22, 2000, before Honorable Robert E. Hamer, and default having been entered against the defendant, Salvatore Moretti, for failing to appear before the Court on said date, and plaintiff having filed a Certification setting forth a particular statement of the items of the claim, and the amount due , it is on this 28t^{h} day of June, 2000 Ordered that judgment be entered in favor of the plaintiff United Water New Jersey, and against the defendant, Salvtore Moretti, in the sum of $11, 280.72 with costs to be taxed, (s) Robert E. Hamer, J.S.C. This order was entered despite the fact that I appeared for the motion hearing before Judge Guida, and that the court was awaiting determination by the New Jersey Supreme Court to continue the proceeding with respect to the $11,280.72. In the interim I delivered to the court and the parties in interest various materials which set forth the facts in this matter. Apparently, Mr. Wallace went to another judge to seek more rapid determination. That Judge, Robert Hamer, may never have seen the materials I submitted. In fact, I have included the transcript (at P. 5327) of Moretti v. Faith Temple decided by judge Robert Hamer in which it appears that the judge barred me from entering the court house. I appeared at

the Bergen County Court House on the morning of Oct. 24, 1994 for a pretrial conference and found that I was refused entry. I called the administrative offices of the court by telephone and announced that I was locked out of the court house by the security assigned at the front door; Judge Hamer was awaiting my appearance on a matter scheduled before his court. After a considerable number of phone calls, I was finally able to enter the building. I went to the court room of judge Hamer. Within the first few minutes, Judge Hamer stated "I don't have your legal contentions, (P. 5330-L 15), and "I'm tossing it." (P. 5330). The reviewing court states that "tax rules" and "tax rolls" (Footnote at P. 5394) were mixed up by the judge, but it appears that the judge knew quite well that a non-lawyer had appeared for a variance for a church which was incorporated, and that tax rules would be involved. In fact, the prior appearance without a lawyer resulted in approval by the board of adjustment for the property purchased at a sheriff's sale. The property was located at the railroad crossing at Berry street, Hackensack.

Interference at the subject apartment house is also reflected in the case of G.A.P. Sales Inc. v. Moretti, Bergen County District Court Docket No. 500911, Appellate Div. No. A-1035-83-T3, in which G. A. P. Sales, located across the street from city hall, delivered a defective document feeder for my SF-811 copier. The jury verdict was reduced by the Appellate Division despite the fact that I filed papers to transfer to the Superior Court Law Division due to the issues involved and the recovery limits of the respective courts. Then Mayor of Englewood Steven R. Rothman represented G. A. P. Sales, Inc.

Note also the decision before the Office of Administrative law in Newark rendered Aug. 2, 1988 (P. 5154) was overturned by the Director Nov. 1, 1988 (P. 5169). In that case a prospective tenant claimed discrimination when I rented two apartments to two black couples. She thought I should have

rented to her. It is clear that no discrimination would be involved but the prospective tenant sued anyway. She claimed she could survive in the neighborhood described in this innocent owners certification. One of the tenants I rented to, Beavers, defaulted in his rent, and when I sued, a retaliatory eviction was found by Judge Lawrence Smith - note my brief enclosed at Pp. 5269-5283.

Note the Order to Pay $2,000 dated May 10, 2000 by the Fire Prevention Bureau; this notice claims to be a legally binding claim demanding removal of the fuel oil tank, despite the refusal by Ken Zisa as Police Chief to accept my complaints/counter-claims into the police department for submission to the municipal magistrate. Apparently the fire department believes the buildings at 391-5 Park Street, Hackensack are abandoned.

I am copying in the King's County Supreme Court dealing with the robbery at Citibank - page 159 (of the rents from the tenant at Park court Apartments, 391-395 Park St., Hackensack, N. J.) - in the above captioned case, since it appears that the clerk's office in New York and the clerk's office at the Supreme Court in New Jersey have had similar difficulties "parsing" though the materials submitted to them. Justice Aronin should be advised along with the Hackensack Fire Department that I am requesting the Prosecutor's Office in Bergen County to check into the matters set forth in the innocent owner's certification filed with them and the Sheriff's Department The matters addressed concern the arson burning of 111 Passaic Street, Hackensack, (p. 3546), along with numerous other fires, instances of vandalism, break-ins, and drug dealing in the immediate neighborhood. Note the Sept. 21, 1993 report of Urgent Care Medical on the attack on my tenant, Bernard Fayehun, and myself by Osuji and company.

The numerous fire alerts at the 370 Park St. (72 unit building) forced the owner, Dr. Coccoziello to sell the property

at a total loss. Prior thereto Coccoziello offered me one million dollars for the purchase of 391 Park Street, Hackensack. A number of zoning cases involved Friendship House at 387 Park Street shown at p. 85. The Record supported this psychiatric use of the property, but this support proved ill fated. The tenants from the halfway house fought with the residents of 111 Passaic Street; a fire resulted March 10, 1978 producing the house's demolition. I trust the passage of the Civil Asset Forfeiture Reform Act of 2000 signed into law April 25, 2000 (p. 2296-2382) will facilitate your consideration of this case.

An issue of law is whether there is a conflict in interest due to the control of the Hackensack police department by Ken Zisa, the Hackensack Police Chief, who ran for a political post, District 37 Assemblyman, and was elected. City Administrator James LaCava reports directly to the Mayor and Council in his overseeing the operation of the police department. In so doing he reports to Hackensack Mayor John Zisa, Ken's brother. When Ken is not in Hackensack, the deputy chief, Frank Zisa, Jr., is in charge of the Police Department. Jack, Ken and Frank Jr. are the sons of Frank Zisa Sr. Ken Zisa has prevented the filing of my complaints with the Hackensack police department and the fire department to be considered by the local magistrate, and has told me so personally. I am requesting the Sheriff's department and the Prosecutor's office to investigate and report back to me in this case.

Public Hearing before the New Jersey Senate Law and Public Safety Committee, "Review State law governing forfeiture of property associated with criminal activity, including the system for distribution of assets seized and accountability for their expenditure" and Senate Bill No. 2241 (Supplemental appropriation of $600,000 in Federal funds to the Department of Corrections for reimbursement for illegal aliens). Location

Committee Room 11, State House Annex, Trenton, New Jersey
Date: December 11, 1995. 10:00 a.m.
Members of Committee Present: Senator Louis F. Kosco, Chairman; Senator James S. Cafiero, Vice-Chairman; Senator John A. Girgenti; Senator Edward T. O'Connor Jr.
Senator Kosco: Thank you. Okay. From the Division of Criminal Justice, Terrence Farley. I understand you're representing the Attorney General today.
Terence P. Farley: Yes, Senator. She is testifying, I believe, across the hall, as a matter of fact..
The newest directive does several things.
1. Funding from any community based programs can only be done on approval of the Attorney Genera's office and when there is a substantial involvement of law enforcement in those programs. I might add, in that regard, quite frankly, having traveled around the country, I was also an adviser to the President's Commission on Model State Drug laws and participated in all of the public hearing around the country in regard to asset forfeiture laws...

Although there was a directive that money should be in Law Enforcement Trust Funds, there was a dispute or disagreement, I guess, on behalf of a few of the prosecutors that that meant that they could have those individually in their own offices and regulate them from there. We cleared that up and made it clear that the funding agency which is the county freeholders in each of the 21 counties in New Jersey is the funding agency. Therefore, the Law Enforcement Trust Fund will now be in control of the county treasurer, not in control of the prosecutor's offices as it has been in some places.

I think the key is, and I noted in some of the questions here that were prepared in advance, a criticism by some "experts" that we had the least stringent forfeiture regulations in the country. I would clearly beg to differ with you on that. As I said, having been involved on a State and Federal level with

this, I would think our regulations could stand up to anybody's in the country, including the federal regulations, and are among the most stringent, rather than the least stringent. What we saw here is some problems, and we tried to clear them up.

As you know, former Attorney General Del Tufo, in 1986, went through a massive review of the forfeiture system in New Jersey and cleared up what he believed to have been some procedural problems and some complaints by civil libertarians in that regard and addressed specific issues and items....

Quite frankly, I have been amazed for the last five or six years in dealing with this on a State and Federal level of the complaints. When you look at New Jersey's program, back in 1992, I believe it was, the Attorney General looked at the number of complaints that had been filed related to Asset Forfeiture Programs in New Jersey. Out of 15,000 cases in New Jersey – there were actually 15 complaints filed relating to all of those cases.

Senator Kosco: Complaints from the criminal?

Mr. Farley: From citizens or victims –yes, yes.

Senator Kosco: That's an adequate statistic.

Mr. Farley: Out of 21,000 something like 15 complaints.

Senator Kosco: Why would they complain about something they agreed to? I mean most of them – in most cases, the reason that a person agreed to forfeit things is because it got them off the hook for a larger – they plea-bargained, which is another problem that we'll have a hearing on someday. So they were picked up for being a drug kingpin and they plea-bargained so that they gave up their house and their whatever, and they got off with a five-year sentence instead of life in prison. Why would that person even think about complaining?

Mr. Farley: Well, the nature of the beast, Senator, I think is the

answer.

Senator Kosco: I don't think we can use that as a measure.

Mr. Farley: No..

Senator Kosco: I think that there are very few criticisms of the confiscation laws themselves. I think that what's being questioned is the use of the4mopneyandwhere it should go to. I think that's the question. Should it go to the General Fund and then be distributed? Or should it go– Is it fair that it goes into the prosecutor's office and then gets distributed the way the prosecutor wants? Should the sheriff's department be involved in the distribution of that money? Should the local police departments be involve in it? Should it go into a General Fund and then have people apply for it and the uses of it?

I think that the uses of the money that – and the bottom line is money. If somebody takes a house, they're not going –you know, it's going to be sold, and the money is going to go into a fund. So the use of the dollars that come into the State should be used, if I recall correctly, for new programs. In other words, there sound be one-shot deals, if you will.

This year, we're going to do this, and then if we don't get the money again next year, it's not going to have any effect on what's taking place in the community, because it was a one-shot deal. I don't think that the money was ever intended to be used, as you said, for example before, to go to conventions. You're going to go to the convention anyway.

Public Hearing before Senate Law and Public Safety Committee. "Review State law governing forfeiture of property associated with criminal activity, including the system for distribution of assets seized and accountability for their expenditure."

Location Committee Room 4, State House Annex, Trenton, New Jersey. Date: March 14, 1996 10:00 a.m.

Senator Louis F. Kosco (Chairman): At this point, we'll ask our Attorney General to come forward, because I know you have a schedule to meet...

Attorney General Poritz: Thank you. I appreciate the opportunity to come before this Committee today. The appropriate use of the civil forfeiture remedy is a subject that has generated a lot of discussion. I do not pretend to be an expert on all of the issues that have been raised. For that reason, I would like this morning to discuss, in general terms, how our forfeiture statute and regulations work and what steps we have taken to make certain that the civil forfeiture remedy is used fairly and in accordance with due process requirements.

I will leave to the Director of the Division of Criminal Justice, Terry Farley, the task of providing more detailed information, since, as many of you know, Mr. Farley is a nationally recognized expert on the subject of civil forfeiture. He has traveled extensively across the country speaking on this topic in his former capacity as the Director of the National Drug Prosecution Center, an arm of the National District Attorneys Association. Mr. Farley has also written an article which was printed in the New York Law School Review, which deals with half-trusts in connection with actual forfeiture cases. Terry's article sets the record straight on those cases. I trust he will set the record straight for you today.

I did not come here this morning to be an apologist for our forfeiture laws and regulations. While I would not presume to suggest that our forfeiture procedures are perfect, I am here to say that there has been, in recent years, significant revisions and reforms; that our forfeiture procedures have been steadily evolving to meet the objective of the Legislature and to protect the rights of New Jersey's citizens, including those whose property has become the subject of a forfeiture proceeding..

Forfeiture has emerged as a powerful adjunct to our criminal laws and provides us with an important tool to deter criminals, one which does not rely entirely on prisons sand other traditional sanctions imposed by the criminal justice system..

Indeed, there are many criminal justice experts who believe that forfeiture has emerged as one of the most powerful weapons against drug traffickers and other persons engaged in criminal activity for profit. It is, ironically, the success of our aggressive use of the forfeiture remedy which has prompted some to attack our efforts. The fact is that the forfeiture program in New Jersey has been highly successful. Millions of dollars earmarked for criminal purposes have instead been put to use for law enforcement purposes and to protect the public safety.

There are, however, a few cases that have raised concerns about forfeiture laws and programs in other states, whether they are fair or whether they are misused. As you know, much attention has been focused in the last couple of weeks on a Supreme Court decision arising under a peculiar Michigan statute which provides that innocence is no defense in a forfeiture action...

In the same vein, it has been alleged that government cannot use forfeiture revenues to restore items or services which previously had been paid for as part of the so-called regular budget. Using forfeiture moneys in this way, however, is not inappropriate except in certain limited instances, such as the example I gave before – regular salaries.

Committee meeting of SCI Review Committee
"Testimony of Attorney General Deborah T. Poritz"
Location: Committee Room 1, State House Annex, Trenton, New Jersey

Date: October 3, 1995. 10:30 a.m.
Members of Committee Present:
W. Cary Edwarrds Jr., Chairman
Charlotte L. Smith-Tate
Martin L. Haines
Peter N. Perretti
Maryanne Bielamowicz
Lorraine Kulick

p. 2 et seq.

Atty. General Deborah T. Poritz: I am delighted to be here.

Thank you, Chairman Edwards and members of this Committee, for asking me to appear before you today. Your task, to review the activities of the state Commission of Investigation for the purpose of determining whether the statutory authorization for the Commissions's operation should be renewed, is critically important...

There have been suggestions that any opposition to the SCI must come from people who fear the Commission, even suggestions that some within government are out to get the SCI. It is as if the Commission should somehow be immune from examination because it examines others and, therefore, anyone who criticizes it must have reason to be afraid of it.

I want to point out that we are going through a time in government in which we are downsizing, examining out most basic assumptions about what we should be doing. The SCI cannot be immune to this examination because of its particular charge. Perhaps there are better ways to carry out that charge. Perhaps not. We must undertake this examination of the SCI, as you are doing, without fear that criticism will not be tolerated...

In this vein, I will express one last general concern: The record of you prior meetings contains comments, actually disturbing innuendo, suggesting that members of the

Department of Law and Public Safety and, in particular, Terry Farley, the Director of the Division of Criminal Justice, are out to put an end to the SCI for personal reasons. Similar suggestions, attributed to unnamed sources in the SCI, have appeared in the press.

Because of these suggestion, I feel constrained to repeat what I have said to you already in a somewhat different way. The Attorney General and the Director of the Division of Criminal Justice have a right, if not a duty, to assist the Legislature and this Review Committee. I speak today for myself and for my Department, not personally, but as the State's highest law enforcement officer. Terry Farley, as Director of the Division of Criminal Justice, shares my views. I set the record straight on this point so that we can ;put distracting and unreasonable aspersions aside and do our jobs.

The Legislature established the SCI, an independent investigative body, to ensure the integrity of and to enhance public confidence in the criminal justice system and in government in general. No one can doubt the importance of these goals. To quote advice from one of our local police manuals, "The success of government is largely measured by the degree of support and cooperation it receives from the people of the community which it serves." It is of paramount importance that we secure the confidence, respect, and approbation of the public. The cultivation of such desirable attitudes is dependent upon proper performance of duty by all member of government.

If the SCI, the independent watchdog envisioned by the Forsythe Commission, serves these goals, it should be continued. It is important to remember, however, that the watchdog, while independent, is a part of government. The proper performance of this agency is at least as critical to public confidence in government as is the proper conduct of those it investigates.

For that reason, I suggest that this Committee ask whether this watchdog is operating as envisioned by and within the bounds set by the Legislature and the Supreme Court of this State....

This Committee has asked whether SCI procedures are adequate to protect individuals named in SCI reports. The Committee has been advised that the Code of Fair Procedure incorporated in the SCI statute in 1979 is followed and affords ample protection.

I think there is a more fundamental question this Committee must ask: Does the SCI statute, as written and as construed by the New Jersey Supreme Court, authorize public censure or allegations against individuals? The statute does the following: It directs the SCI to: "Make an annual report to the Governor and Legislature, or either thereof, as it shall deem advisable or as shall be required by the Governor or by concurrent resolution of the Legislature."

It further directs the SCI: "By such means and to such extent as it shall deem appropriate to keep the public informed as to the operations of organized crime, problems of criminal law enforcement in this State, and other activities of the Commission."...

The words of Chief Justice Weintraub writing for a unanimous Supreme Court in its first decision addressing the constitutionality of the SCI are instructive: "It is not the SCI's mission or role to decide whether an individual has committed a crime and to publicize the verdict. The purpose of the SCI is to find facts which may subsequently be used as the basis for legislative and executive action. The statute does not require the SCI to make and publicize findings with respect to the guilt of individuals."...

In recent years, the SCI has issued reports that clearly suggest specific individuals are guilty of criminal acts. Again, I believe this practice was not what Justice Weintraub had in

mind when he said, "The role of the SCI is not accusatory, and the rights accorded individuals concerned are appropriate and adequate in light of the agency's mission and power."

An official named in a presentment must be provided with a copy of the presentment and given 10 days notice to challenge his censure prior to publication of the presentment. A person named in a SCI report has no analogous statutory right....

A presentment cannot be released if it appears that a crime has been committed for which an indictment may be had. Such presentments must be returned to the grand jury with instructions to indict or to no bill. No analogous statutory restriction applies to SCI reports.

Prosecutors have qualified immunity for investigated activities. Members and staff of the SCI have absolute immunity. The differences between the protections afforded persons named in a presentment and persons named in SCI reports are stark, assuming that the Legislature even intended to authorize SCI reports that censure individuals or suggest that individuals are guilty of criminal wrongdoing...

In determining whether reform is needed, I suggest that the Committee carefully review this issue so as to ensure that the SCI does not violate concepts of fundamental fairness articulated in Doe v. Poritz...

Let me make this clear: Without consultation, the SCI has released a public report that names individuals in connection with specific alleged criminal activity that has been referred tomy office...The problems that follow from this practice are best explained by illustration from the SCI's 1994 report on Marlboro Psychiatric Hospital...In the Marlboro report, an employee of the hospital is fairly obviously charged with theft of hospital property. The accusation is made by carefully worded implication, rather than by direct charge, but it is an accusation nonetheless. Upon investigation, my staff learned

that the implied charge was included in the report, despite the fact that the employee has provided the SCI with receipts demonstrating that he had purchased the property. The published repot does not even refer to the receipts....An alleged theft by a public employee was widely publicized, creating or reenforcing the notion that public servants are corrupt and their supervisors inept or indifferent. A public investigation of theft by a public servant was not pursued in a criminal prosecution, suggesting that the criminal justice system is corrupt, inept, or indifferent....

There can be problems even when SCI reports do not name individuals. For example, when a report is published solely to turn the spotlight on a problem. The SCI report "Criminal Street Gangs" provides an example. This report, which was widely publicized, does not accurately portray the problem it spotlight. The Division of State Police advises me that 140 of the 717 street gangs listed in the appendix of the SCI report do not fit even the broad definition of "gang" employed by the SCI. The Commission's definition requires delinquent or criminal activity, and the appendix to the report indicated that no criminal activity was reported for 140 of the 717 gangs... Overstatement not only causes undue public alarm, but has the potential to undermine public confidence in law enforcement.

P. 18.

Attorney General Poritz: I would never say that the Attorney General, whether we are talking about a State Attorney General or the Attorney General of the United States, should be immune to investigation by an outside agency. I think every one of us must be able to be reviewed, looked into, including the watchdog itself.

Mr. Edwards: The grand jury presentment process creates a separation of powers question for me and for, I think ultimately, this panel as to our ability to recommend to the

Legislature and the Governor that a similar process, perhaps, be established using the courts as the vehicle to do that, without the courts' acquiescence to that particular issue. I daresay that the Supreme Court and the Chief Justice would aggressively object to a piece of legislation that would mandate a judge of the Superior Court to a similar review of a SCI report as they would a grand jury presentment that has other than indictment consequences to it. Am I accurate in that assumption.

Attorney General Potirz: Yes....That does not mean that there might not be some other way to afford that protection...There are many other models, but I remain concerned...

p. 20.

Mr. Dunn: Thank you, Chairman. General, I feel somewhat inadequate to quiz or interrogate or ask questions of the Attorney General... Your language, the content of your presentation, flowed as crystal clear as the beautiful waters of Ireland, which I just had the good fortune of visiting a few days back...However, despite the beauty and the rhythm and the flow of the words, I couldn't help but interpret your remarks as really throwing a zinger into the State Commission of Investigation. You really whacked them with a whammy. You really matter how you interpret the words, it sounds to me like you are an advocate of getting rid of the SCI...However, I can't help but feel, based on a lot of editorials I read from time to time in the newspapers, that there is a perception in the minds of most citizens of New Jersey that the SCI does more to root our evil than the Attorney General's office does, or some other agencies such as county prosecutors, and whatnot. There is a perception that county prosecutors' offices are all filled with politicians appointed by the Governor, but yet who had to have the approval of State Senators, and that sort. Now I forget how long you have been serving as the Attorney General.

Attorney General Poritz: Not quite two years...

Mr. Dunn: Whenever I read of an investigation, it is either from the U.S. Attorney's Office or some other agency outside the State of New Jersey. I do not read too much about the Attorney General's Office delving into official corruption in the State of New Jersey. I just feel that the general public expects more from the Attorney General's office, that it do more about what a lot of us know to be an abundance of political corruption in the State of New Jersey.

Assistant Attorney General Bozza:...We have a very active Corruption Investigation and Prosecution Program. It has been present in the Division of Criminal Justice for almost the entire history of the Division of Criminal Justice. One of the changes made under Director Farley was to add more resources to it...

Attorney General Poritz: Let me add that there have been fairly recent indictments handed down in Newark that were3 joint investigations between the Division of Criminal Justice and the U. S. Attorney. One of the things that has happened in the last not quite two years that I have been in office is that Faith Hochberg and I have cooperated and worked together, and the Division of Criminal Justice has worked with the U. S. Attorney.

P. 26.

Mr. Dunn: New Jersey is far from being the cleanest State in the entire republic. The public is genuinely concerned about rooting out official corruption. It bothers me when I get a letter from the New Jersey State League of Municipalities which sort of echoes some of your comments, too, but when you read it – Here you have the organization that speaks for about 700 towns in the State of New Jersey – if I interpret it correctly – telling us to get rid of the SCI.. Now, when you get 700 mayors and 700 governing bodies and thousands of appointed and elected officials who belong to this organization

telling you to get rid of the SCI, I can't help but get the impression that some very evil force might be behind all this new move to eliminate the SCI.

p. 26.

Attorney General Poritz: I don't think we can presume that of those 500-plus municipalities that the motive here is that they don't want someone looking at official corruption....

Assistant Attorney General Bozza: There is no policy or formal procedure with regard to public pronouncements, but we do evaluate it on a case-by-case basis. When the public has come to learn of an investigation, we have, on occasion, announced that an investigation has been closed and no charges have been brought. There was insufficient evidence that would warrant any criminal charges being the result of not being (indiscernible), but the investigation has not uncovered sufficient evidence to warrant criminal charges.

Doe v. Poritz, 283 N.J. Super. 372, 661 A. 2d 1335 (N.J. Super. L. 1995), [John Doe, (a fictitious name) individually and on behalf of all others similarly situated, Plaintiff, v. Deborah Poritz, Attorney General of the State of New Jersey, Defendant.] Superior Court of New Jersey, Law Division, Burlington County. Decided Feb. 22, 1995. "Convicted sex offender filed action seeking to enjoin enforcement of sex offender registration and community notification statutes and Attorney General's implementation guidelines. The Superior Court, Law Division, Burlington County, Wells, A.J.S.C., held that : (1) registration and community notification was not punishment for purposes of challenges under ex post facto, bills of attainder, cruel and unusual punishment, and double jeopardy clauses; (2) collateral burdens imposed by registration and community notification did not violate terms of offender's original plea agreement; (3) offender's right to privacy was not violated by registration and notification; (4)

registration and notification statutes did not violate right to equal protection even though Legislature had not chosen to address recidivism among other types of offenders; (5) notification to broader elements of community than law enforcement implicated sufficiently significant liberty interests to require prior in camera judicial hearing; and (6) Attorney General's guidelines were invalid for failure to comply with rule-making procedures under Administrative Procedures Act.

Ordered accordingly.

Affirmed as modified, 142 N.J. 1, 662 A.2d 367

Supreme Court of New Jersey
John Doe v. Poritz, 142 N.J. 1, 662 A.2d 367
Stein, J., Dissenting. At page 111.

The Court opinion carefully explains the considerations and events that induced the Legislature to enact and the Governor to sign the Registration Law, L.1994, c. 133 (codified at N.J.S.A. 2C:7-1 to -5), and the Community Notification law, L.1994, c. 128, (codified at N.J.S.A. 2C:7-6 to -11), those statutes being commonly known as "Megan's Law." A federal statute, enacted as part of the Violent Crime Control and law Enforcement Act of 1994, Pub.L. No. 103-322. Encouraged states to adopt mandatory registration requirements for persons convicted of sexually violent offenses or certain prescribed offenses against minors. 42 U.S.C.A. § 14071(a)(1)(A). The tragic murder of Megan Kanka prompted widespread public concern about the danger posed by released convicted sex offenders. The Legislature responded swiftly, enacting the statutes at issue in this appeal....

The Community Notification Law, combined with the Attorney General's Guidelines, authorizes the dissemination, to prescribed organizations and members of the community likely to encounter a sex offender, of information concerning

an offender, including a photograph, a description of the underlying offense, residence address, place of employment, and vehicle-plate number. The extent of notification is determined by a three-tier classification procedure...

The Court holds that the Registration and Community Notification laws no not violate the Ex Post Facto, Double Jeopardy, or Cruel and Unusual Punishment Clauses of either the Federal or State Constitution. Substantially enhancing the protections afforded by the statutes as enacted, the Court properly concludes that the impact of the statutes on those subject to Tier Two and Three notification sufficiently implicates liberty interest to mandate the availability of due-process safeguards. The Court accordingly conditions its decision to sustain the constitutionality of the statutes on the requirement of judicial review of a prosecutor's decision to impose Tier Two and Tier Three notification, that judicial review extending to the means of implementing notification selected by the prosecutor. I am in full agreement with that aspect of the Court's decision.
P. 113.

Because the Community Notification Law "makes more burdensome the punishment for a crime, after its commission," I conclude that that law, despite its understandable objectives, violates the constitutional prohibition against ex post facto laws.
P. 125. On December 27, 1994, residents of Phillipsburg were informed of the whereabouts of a recently released sex offender...On January 8, 1995, "[a] father and son broke into [that] Phillipsburg row house *** looking for [the] released child molester who had been identified by the police." ...Once inside, the two "attacked a man they thought was a rapist."... "But the two ended up attacking the wrong man..." allegedly assaulting a forty-one-year old truck driver who was also staying in the house. The severity of the beating required the

man to be hospitalized...

Another example also involves "one of the first people to fall under the law's strictures."...On January 1, 1995, Carlos Diaz was released to reside in Passaic with his mother...Although the preliminary injunction delayed law-enforcement officials from implementing the provisions of Megan's Law, the Guardian Angels, a New York-based civilian group, organized a community protest outside the residence of Diaz' mother. "And up and down the streets, Guardian Angels founder Curtis Silwa and his men walked yesterday, handing out fliers with a large photo of Diaz, the warning 'BEWARE' in big block letters and a phone number to call if Diaz [was] spotted."..."Hundreds of***students streamed down [the street]*** clutching pictures of convicted rapist Carlos Diaz, handed to them by Guardian Angels who descended on the city to rally in support of Megan's Law."
P. 136

In Austin, supra, [Austin v. United States, 509 U.S. ___,113 S. Ct. 2801, 125 L.Ed.2d 488 (1993)decided four years after Halper, the Court was required to determine whether civil forfeiture of Austin's mobile home and auto body shop that had been used in drug transactions, constituted punishment and thereby violated the Excessive Fines Clause of the Eighth Amendment. ... Consistent with Halper, the Court relied primarily on historical and functional analysis to determine whether the statutes authorizing imposed punishment.
P. 140.

Indeed, humiliation and stigma were not simply component parts of early punishment, but at times were the only element of punishment.
P. 146

The Constitution's prohibition against ex post facto laws reflects an enduring value that transcends the most pressing concerns of this or any day and age. Today, our concern is

with prior sex offenders; in the 1950's the legislative concern focused on Communists; and in the 1860's Congress was determined to punish legislatively those who had supported the Confederacy.

Future legislatures will doubtlessly find reasons to deal harshly with other groups that pose an apparent threat to the public safety.

P. 147

For modification and affirmance - Chief Justice WILENZ, and justices HANDLER, POLLOCK, O'HERN, GARIBALDI, and COLEMAN - 6.

For reversal -Justice Stein

Doe v. Poritz, A Constitutional Yield, 32 California Western Law Review 331 (1996)

page 331.

"On July 29, 1994, in Hamilton Township, New Jersey, a seven-year-old girl named Megan Kanka was lured into a neighbor's house by a man who offered to show her his new dog. Megan's neighbor pulled her into his bedroom, strangled her with a belt and then sexually assaulted her. The neighbor was Jesse Timmendequas, a twice-convicted sex offender who had served six years in prison for a previous attempted assault on a child.

"Publicity about the crime provoked public outrage stemming from the fact that someone with a background of sex crimes had lived in the community anonymously. The New Jersey Legislature responded to the outcry by approving a controversial state statute requiring every convicted sex offender to register with the police after release from prison. ["The bill was enacted into law just three months after Megan's slaying. Commentators say Megan's Law was the product of 'politics and passion.'...Apparently, lawmakers

ignored witnesses who raised questions regarding the law. Id. Assembly members did not hold committee meetings- passing Megan's law was declared a legislative emergency. Id. - Michelle Ruess, Second Thoughts About Megan's law Concern Growing Over Ripple Effects, Rec. N.N.J., Feb. 19, 1996, at A1.] Known as Megan's Law, the statute also mandates community notification regarding the whereabouts of certain convicted sex offenders, depending upon the seriousness of their offense and the likelihood of recidivism. [See N.J. Stat. Ann. § 2C:7-6 (West 1995). Megan's law sets forth a three-tiered scheme by which the sex offender's risk of reoffense is ranked. Different levels of community notification are provided based upon the sex offender's rating. ... A recidivist is defined as a habitual criminal. Black's Law Dictionary 1269 (6th ed. 1990)

"Two months after the enactment of Megan's Law, a New Jersey man, using the pseudonym John doe, challenged the constitutionality of the statute based upon its retroactive application. [Doe v. Poritz, 661 A.2d 1335 (N.J.Super. 1995), aff'd 662 A.2d. 367 (N.J. 1995). Doe claimed the sex offender registration and notification statutes violate several constitutional provisions, including protection from ex post facto laws, bills of attainder, double jeopardy, cruel and unusual punishment, and privacy infringement. In a 6-1 decision, the New Jersey Supreme Court held that the registration and community notification laws did not violate any of the constitutional clauses that Doe cited. The court did, however, require that a process of judicial review be added to the statute's guidelines, so as to promote judicial fairness and due process for offenders subject to public notification. With this addition, the court held the legislation would be valid and effective immediately upon all convicted sex offenders."

At p. 333. "The plaintiff John Doe was indicted and charged in June of 1985 with sexual assault for molesting two teenage

boys. Doe entered into a plea agreement for a term of imprisonment not to exceed 15 years. In September of 1985, Doe was examined by a psychologist at the Adult Diagnostic and Treatment Center in Avenel, New Jersey (hereinafter ADTC). Center staff determined that Doe's conduct was characterized by a pattern of repetitive and compulsive behavior. In February 1986, Doe was sentenced to a ten-year term of imprisonment at ADTC with a three-year period of parole ineligibility. After Doe allegedly participated in all aspects of the treatment program offered to him at ADTC, his primary therapist recommended he be considered for parole. After interviewing Doe in the fall of 1991, the review board concluded doe 'was capably of making an acceptable social adjustment' and, therefore, recommended doe's release on supervised parole.

"Doe contended that he hade complied with all the provisions of his parole release, including participation in aftercare psychological treatment. He now rents an apartment and is employed...

at. p. 334 "In October 1995, Doe appealed to the United States Supreme Court, however, the justices declined to hear his case. [Rocco Committee. War: Victims v. Defendants: Megan's Law Ruling Nears in 3rd Circuit, N.J. Law, Jan. 29, 1996, at 1.]

Commentators believe the Court rejected his case due to the pending appeal of Artway v. Attorney General of New Jersey [876 F.Supp. 666 (D.N.J. 1995)], a similar case involving a sex-offender who was convicted before Megan's Law was enacted. [Michelle Ruess, Megan's Law Goes to Court, Rec., Oct. 25, 1995, at A1.] In Artway, the United States District Court in New Jersey held the notification provision of Megan's Law was unconstitutional when applied retroactively to sex-offenders."

P. 351

IV. WAS PORITZ CORRECTLY DECIDED?

"The problems enumerated by the Artway and E.B. courts have been documented in several incidents where released offenders have found it very difficult to lead normal lives once the public received notification of their reintegration into society. Offenders who have been targeted after notification have been driven from communities or otherwise harassed.

"In July of 1993, **the home of a convicted child rapist was burned to the ground** after his neighbors were warned of his release from prison. [Lisa Anderson, Demand Grows to ID Molesters, States Weigh Children's Safety Versus Offender's Rights, Chi. Trib., Aug. 15, 1994, at 1.] Furthermore, a survey conducted by Washington State Institute for Public Policy at Evergreen State College revealed that over a three-year period, fourteen notification-related incidents took place in Washington. ["Since Washington activated community notification, vigilante incidents have included arson, death threats, slashed tires, and loss of employment."] The incidents ranged from situations where offenders and sometimes their families, received taunts, to a case in which one offender was punched in the nose when he opened his door.

"More recently, in early 1995, a father and his son broke into a Phillipsburg, New Jersey home looking for a released child molester who had been identified by county police. [John Ritter, Critics Say Law's Behind Surge in Vigilantism, USA Today, Jan. 12, 1995, at A7.] Law-Enforcement authorities had provided community residents with the address where the offender was to reside and distributed photographs of him. The father and son assaulted the wrong individual. Their victim was a forty-one-year-old truck driver who had been staying at the home of the released sex offender. The beating was so severe the victim had to be hospitalized.

page 353. "While the remedy may seem simple to the Poritz court, due to the public harassment and vigilantism that had taken place, the registration and notification statutes have

been facing legal challenges throughout the country. Registration statutes have routinely been upheld in Alaska, Arizona, Illinois, New Hampshire, and Washington. However, a California court struck down a similar registration statute because it applied to a [p. 354] minor category of sex offenders. [In re Reed, 663 P.2d 216, 222 (Cal. 1983). Community notification statutes have also been struck down as unconstitutional in Louisiana [See State v. Babin, 884 F. Supp. 1372 (D. Alaska, 1994)] and Alaska [See Rowe v. Burton, 884 F. Supp. 1372 (D. Alaska, 1994)].

Page 354. "Forcing people to move from state to state in fear of their lives is punishment of a type that was not applicable to sex offenders who were convicted before Megan's Law was enacted. The United States Supreme Court has held that an increase in punishment regardless of its extent is ex post facto and therefore unconstitutional. [Lindsey v. Washington, 301 U.S. 397, 401 (1937)].

"Applied to John Doe in the Poritz case, the sex offender notification law should be declared an increase in punishment because Doe will likely be subject to constant community harassment, endangered with the possibility of vigilante attacks, and burdened with the probability of losing his current job and remaining unemployable. This will all be due to branding and stigma that will attach to Doe once the public is informed that he is a released sex offender.

Meeting of The Joint Legislative Task Force to Study the Adult Diagnostic and Treatment Center,
Location: Legislative Office Building, Committee Room 7, Trenton, New Jersey. Date: March 15, 1995. 10:00 A.M.
Members of the Task Force Present: Senators Bassano, Chairman, Inverso, Matheussen, Girgenti, and Edward O'Conner Jr.; General Assemblymen: Mikulak, Chairman,

Joseph Malone III, Holzapfel, Shirley Turner, and **Assemblyman Charles "Ken" Zisa.**

p. 28. Assemblyman Zisa: "Well, I'm not sure that the topic is as important as what happened. The topic happened to be the treatment program.

"Let me try to clarify where I'm going with this. What I'm saying is that the administration appeared here. We depend on them to run the facility; we depend on them to report to us what is going on. I have no reason to believe that they weren't truthful.

"We then have employees, who possibly are disgruntled employees, who might be inclined to misrepresent the facts. If that is the case, then I would expect action to be taken. If, on the other hand, they are not disgruntled employees, if, on the other hand, they are persons who are very concerned and felt that it was necessary to appear here, in their perception at the risk of their jobs - -whether that's a fact or not - - and to be truthful in exposing that the administration purposely misrepresented the facts, that would be a serious problem. Either way, we have a serious problem.

"I don't think the topic matters as much as the fact that allegations were made before this Task Force that somebody purposely lied to us. What I would like to see is - - I'll suggest this and if I'm out of line, the Chairman can tell me - - an investigation conducted by you or your designee to determine who didn't tell the truth before this Task Force.

Page 29.

"You will have this available to you. You can look up the subject matter. Would like to see you conduct an investigation. I would like you to take the appropriate action based on the fact that someone, who is employed by the State of New Jersey, appeared before a legislative task force and

purposely misrepresented the facts, if that happened. It had to happen because there are two different versions.

"This is not a question of who thinks the treatment program is better. This is a question of a statement being made that facts were purposely misrepresented and that people purposely were untruthful to the Task Force, not which was a better treatment program. That is not the point.

"So what I am asking is for you to investigate it, as I say, as a separate issue, to get back to us with some type of report - - some type of communication - - which would indicate to us what you have learned and what action you plan to take on it. That is what I am asking.

Page 30. Commissioner Fauver: "Yes. But I find it hard to believe that Bill Plantier would not be honest on - - He was honest in saying it was the Commissioner's responsibility to do something, and he's still here. He didn't get fired. (laughter))

Assemblyman Mikulak: "I found it hard to believe that Bill Pantier didn't tell us when he was changing the therapy, Commissioner, so - -"

Assemblyman Zisa: "I am not suggesting that at all. I am saying that if, in fact, **it is a case of disgruntled employees trying to bring down their administration**, I want to know about that...That has to be dealt with, because somebody who would purposely malign the reputation of a State facility is a serious problem for the State. So, whichever the case, I would hope - -...This is the transcript of the February 1, 1995 meeting.-"

Page 31. Senator Girgenti: "Commissioner, just a couple of questions. I want to get clarification on some of the things you said, and also some input.

"Number one: During our discussions through the various meetings we've had one thing that has been discussed and talked about, the possibility of maybe not having Avenel as it

presently exists and putting people back into the system the way it was in the past, in the different prisons - - having that kind of a situation.

"Is that an option that you have thought of, or do you think the direction is to continue Avenel as it presently exists and not move back? What purpose is served by moving them back into the prison system? Have you ever though of that?

Commissioner Fauver: "I think the Avenel concept is still the way to go. I think that moving them back into the system would not be. There is always - - not always - - there is a debate in other states and there has been here; where should this even be? Should it be in Corrections? Should it be in a Human Services type of setting?

"It was under mental Health and Hospitals in the '70's before it was changed over to Corrections. One of the reasons was escapes from hospitals and things like that - - not major reasons. I think the thinking at the time was, as I said, tied into this therapeutic community idea of all likes being together, living together, not being able to get over on each other in therapy, and stuff like that.

"I think, as I said earlier, we can't exclusively do that though. I think you have to sort out the long-term guys. They go to regular prison first and then come at the end. I think we also have an obligation then to provide some kind of treatment, even if it's just a preliminary type of thing, at those institutions.

Appendix Page 9.

New Jersey Psychiatric Association, Partridge Drive, Bridgewater, New Jersey 08807-1863, (908) 685-0650, Fax (908) 725-8610.

Position Statement Treatment Facility for Sex Offenders

"As representatives of the New Jersey Psychiatric Association and the New Jersey Psychological Association, we would like to make this joint statement regarding the general issue of

treatment of sex offenders and the particular issue of the future of the Adult Diagnostic and Treatment Center at Avenel.

"The professional literature demonstrates that treatment for sex offenders, if properly implemented, can be effective. A recent thorough review article (Marshall 1991), cites considerable evidence that relapse rates for sex offenders can be lowered by effective and comprehensive treatment. The efficacy rates for treatment for sex offenders in some instances compares with the efficacy of the treatment for other mental disorders.

"We, therefore, strongly support the proposal that New Jersey should maintain a sophisticated and well-supported sex offender treatment program....

The Record, December 19, 2000. Page L-1

Assemblyman Zisa will seek sheriff's job. Democrats pledge to find black replacement. By Hugh R. Morley, Staff Writer

"Hackensack Police Chief and Assemblyman Charles "Ken" Zisa formally announced Monday that he will run for Bergen County sheriff, prompting top Democrats to pledge they will try to replace him in the Legislature with an African-American.

"County party Chairman Joseph Ferriero told more than 100 Democrats assembled for a news conference in Hackensack that he would seek out an African-American to run for Zisa's 37th District Assembly seat next year.

"Zisa, whose term expires in December 2001, said he will not seek the nomination to the Assembly seat. De also said he will step down as police chief if elected as sheriff.

Public hearing before Senate Judiciary Committee on Wire Tapping, Held: May 21, 1982, Room 144, State House Annex

Trenton, New Jersey.

[page 1] Senator John F. Russo (Chairman): The Judiciary Committee will resume its meeting. Mr. Attorney General, on behalf of the Committee, we thank you very much for appearing today. I know you had to revise your schedule to appear today - you had mentioned that to me - but, this is an important issue and an important matter to this Committee, and I am sure to the Legislature in general. We are very grateful that you took the time.

I think you know all of the members of the Committee. We know the fellow who is sitting on your left, Colonel Pagano, but would you introduce the rest of the people, that are with you today?

Attorney General Irwin I. Kimmelman: I have with me today Lieutenant Colonel Justin Dintino of the Intelligence Section.

Senator Russo: Hit your button, General. When that light is on, that means you are -

Attorney General Kimmelman: I'm not used to staged screenings, only in the court room. I have with me today Lieutenant Colonel Justin Dintino, who is head of the Intelligence Section of State Police; Michael Bozza, Deputy Attorney General who is actually in charge of processing wire tap investigations; and , Edward McGill, Special Assistant to the Attorney General, who is a legislative liaison for me.

Senator Russo: Thank you, General. Members of the Committee, let me assure you that the room has been thoroughly checked over; there are no bugs in it. (laughter) You may feel free to ask any questions. In addition, for the Attorney General's assurance that the room is not bugged, we checked the room ourselves.

Just by way of a preliminary statement as to why we are here, let me say - in sort of an emphatic manner, to make a point - that some of us - Senator Vreeland and myself, and I think Senator Orechio - have served on this Committee for the

nine years that we have been in the Legislature. We have had to consider the wire tap law during those nine years, each time it came up. One of the prime concerns of the Judiciary Committee at its hearings during that period of time, has been the concern about an abuse of such a tremendous tool. There was extensive questioning, as I recall, by certain members of the Committee, and then on the floor of the Senate. Each time we received assurances from Colonel Pagano, from Attorney General Hyland, Attorney General Degnan, or whoever was in the position at the time, regarding this law. We recognize that although it is an important and effective tool for law enforcement, it carries with it a tremendous, delicate concern for Constitutional Rights, the Right to Privacy, and so forth. It seemed to be working all fight - at least we felt it was – and then, of course, the Washington news story came out a few weeks ago, that gave us a national perspective on the issue that frankly I don't recall we had before. That referred to the fact that in New Jersey, we led the nation with 139 wire taps of telephones during that year, or, 23% of all wire taps approved in the United States during that year. I have to tell you, General, and Colonel Pagano, speaking individually, that is a shocking statistic to me. That doesn't necessarily mean that here is any wrongful use of the law, but, it does seem to indicate that we ought to be looking into it. We ought to give you a forum too present justification for that. I think I would be less that honest if I didn't say, at least for myself and perhaps other member of the committee, that we start with a bit of a burden, demonstrating that this "somewhat" shocking statistic is justified. Sooner or later we are going to be considering the renewal of this law. Rather.than have to consider it "under the gun" at the time, with a lot of pressure, we can start now.

We will put the concerns of the members of the public to rest, that **New Jersey is not becoming a Nazi state** of some

sort, or, by perhaps doing something bout a possible abuse. I don't think there is any member of the Committee who has prejudged this, but we are concerned and we want to hear the justification for this "somewhat" shocking statistic.

Is there any comment from any members of the Committee at this point, before we hear from the attorney General and State Police? (No response) If not, I will turn the ball over to you, General, and let you take it from there.

Attorney General Kimmelman: Senator, I appreciate your remarks, especially with respect to the fact that you haven't prejudge the issue, but, nevertheless, you have put the burden of proof on us. I will accept that as not a prejudgment – As a matter of act, we are very comfortable with having the burden of proof put on us and carrying that burden.

I took note of your initial observation of the fact that New Jersey leads the nation with some 139 or 139 wire taps, which seemed shocking to you. I can understand that to a person, without being privy to the facts, the statistic may well be shocking, especially if they have a predisposition against wire tapping. You must recognize that wire tapping, to the limited extent that it takes place, is an invasion of privacy. We have a principle – a constitutional principle – in this country, that there be no invasion of privacy. The law does permit privacy to be invaded for very limited circumstances, and, in the instance of wire tapping, that is one of them.

I will get to your pointy and perhaps spell out why one might think the total number of authorized wire taps in this state is a shocking figure. Let me say to you, Senator, and members of your Committee, that the State of New Jersey – I have said this publicly before – takes unjustifiable criticism for, as some people say, "a bum wrap", when the notion is spread around that this state is widespread with organized crime, with corrupt politicians, and with narcotic abuse. That is not so, although, there are instances of organized crime,

corrupt politicians, and narcotic abuse in this State, but, certainly not more so than in other comparable areas.

The important feature which distinguished new Jersey from other jurisdictions is that we do something more than lip service in ferreting out organized crime, corrupt politicians, narcotic abuse, and, the like. We do that in a way which indicates that New Jersey is at the head of the list, nationally, in the number of court authorized wire taps. These wire taps are directed in practically all instances towards illegal gambling and narcotic offenses which are the backbone - the economic backbone - for organized crime.

The wire taps in New Jersey bear fruit. When they do, instances of narcotic abuse and of illegal gaming come to light. When these instances come to light, the spotlight falls upon New Jersey, and then, without a knowing justification, the notion is spread that New Jersey is wide-spread with organized crime, corruption, and so forth. But, the fact of the matter is, we do more than other states in trying to ferret this out.

You are correctly concerned, Senator and members of the committee, with ensuring that these court authorized wire taps, which do constitute a limited invasion of privacy, are not subject to abuse. An application for a court authorized wire tap receives at least five different sets of scrutiny before it gets to my desk, and when it gets to my desk, it receives my scrutiny before I put my signature on it. Then it goes to court, and the process begins all over again, and the courts scrutinize the reasons why this application is sought and why it is not practical for the law enforcement officials to resort to any other alternative means of [page 3] ferreting out evidence of crime. Only when the court is satisfied does the court sign the authorization for the wire tap.

There is another backup, Senator, and the backup occurs in the instance of defense counsel. Once an indictment takes

place, defense counsel invariably files motions to suppress wire tap evidence. With respect to the wire taps secured by court authorization from the Attorney General's office, there has been non instance where a court has ordered a suppression because the process was abused, or because the evidence was otherwise illegally obtained. So, that is the point, Senator: Number one, I review it; number two, a judge reviews it; and, number three, on motions for a suppression, we are sustained every time.

A major amount of wire tap requests come through the prosecutors' offices in the state. **Thirty-three requests came from our office, and about 106 or so came from the prosecutors' offices.** With respect to the prosecutors, we have no direct control over their application for the wire tap. Again, there are specific judges assigned throughout the state, in various vicinages where the prosecutor must go to secure court approval. Also, there again the prosecutors must justify his wire tap evidence on the motion brought by defense counsel to suppress. The prosecutors in this state, to my knowledge, have been uniformly successful, except in one or two minor instances in sustaining their wire tap evidence against motions to suppress.

We are talking about what happened, Senator, in 1981, and prior years, before I became Attorney General. These statistics are those which have been made available to me. What I have said is something of what I feel, especially with respect to the fact that the criticism against this state as being a "hot bed" of political corruption, and organized crime, is really unjustified. Those are my own comments, as a result of my observations, as to what I have seen in the brief time I have been in office.

During my term as Attorney General, which will continue for the next three and a half years, I expect that my office will be as vigilant as it was during the term of my predecessors insofar as attempting to ferret out these instances of narcotic

abuse, illegal gambling, all of which contribute to organized crime. I therefore suspect – although I don't have the figures yet, and neither does anyone for the year 1982 – that the Office of the Attorney General will continue in its requests, whenever necessary, to a court for wire tap approval.

With respect to any specific facts you may have, Senator, of and members of the Committee, I have with me, the Director of our Criminal Justice Division, Edwin Steir, and, the Superintendant of the State Police, Colonel Pagano I am sure they both can furnish your Committee with much more detailed information than can I.

Senator Russo: Thank you, Mr. Kimmelman. Let me address a question to you, and that I am sure you will have to refer this to your people for the answer. You pointed out that one of the safeguards of this system is that a judge had to review and approve a wire tap application after you do. The last time this law came up for renewal, one of the member of the Committee asked the same question – I would be interested in seeing what its updated information is – of Mr. Steir at the time, or maybe or Colonel Pagano: How many applications have you made that the judges rejected? The answer was none. Every application you made was approved, which either tells us one of two things: One, you never make one unless it had total merit, with careful screening by the Attorney General, and I think the Attorney General at that time, pointed out that very thing. He said, "Look, the application doesn't get to judges until I have approved it." Maybe that is the answer. The other is, busy judges, when prosecutors or the Attorney General come before them oftentimes – some judges, anyway – give such a dignity to the office that they [page 4] don't respect these applications. But, that was a source of concern, and I think you remember that, Ed, and Colonel Pagano. So, I would be interested to know

what the updated record is. Has there been any rejected applications at that time? Anyone from your staff can help.
Attorney General Kimmelman: There have been no rejections since that time, Senator, because whatever General Degnan or General Zazzali told you, remains. The Attorney General does review these applications personally. I can say to you that deputies from Ed Steir's division follow me around the state. I was in Morris County attending some sort of function, and lo and behold, there are two fellows there. I forget the name of the hotel where this happened. It was in Convent Station. But, there I was, and two deputies came down and collared me at the table, and I sat for another half hour going over whatever papers had to be gone over before I affixed my signature. Let me say one further thing, Senator: I have a list here - or at least I had one; I can't put m finger on it right now - of the judges who have been designated by the Supreme Court to sign the wire tap authorizations. There is Judge Blake in Essex county; I know of Judge Demos, who handles the Middlesex County and Somerset area; I know of Judge Lenox, who handles the applications in Mercer County and in this area. The other judges who handled the other counties last year were: Judge Arthur Simpson in South Jersey. He was Administrative Director of the Courts, and he is now the Assignment Judge of Bergen County; and, Judge Grucio in Atlantic County.

Senator, I have served on the bench with each one of these judges. I know them personally. I know the diligent job that every one of them does. I know what I did when I was a judge. When papers were presented to me, I read them, I am sure these people do, more so, because of the importance of the application that is being made.
Senator Russo: Thank you, Mr. Kimmelman. One last question from mje at this time is: What is the record for 1982? How many are there, so far?

Attorney General Kimmelman: Senator, I think – I don't have the exact figures with me – to my recollection, I have signed at lest six or seven. Here we are, May 21st, we are five months into the year, and have had six or seven, which seems to be less than the rate last year. I am not purposely setting out to make the rate less than last year, but I think it is. It just happens that way.

Senator Vreeland; I just want to talk about the number 139 in New Jersey during 1981, and 160 n New York State. I am reading from this statement. I noticed that some of it is attributed to gambling in New Jersey – these wire taps. Does that have anything to do with gambling in Atlantic City? I don't know who would answer this. I know Ed Steir has always been with the Judiciary, every time we have discussed this, as the Chairman has said. Do we, in New Jersey, rank number one with crime? Is that why we have so many?

Attorney General Kimmelman: Senator, I think Mr. Steir will give you a specific answer. Let me try to respond to your general question, as to whether New Jersey ranks number one in crime. New Jersey doesn't rank number one in crime. You must understand where New Jersey is geographically located.

Senator Vreeland: I know.

Attorney General Kimmelman: We sit in the midst of the financial centers of this county - Philadelphia is on the one side, New York is on the other. Let's forget about the financial center on the west coast. But, you and I know – or at least I know, and I assume you know – that gambling and narcotic activities [page 5] go where the money is. The money happens to be here. People say New Jersey is a great state, it is a good place to live, it is a good place to work in, and we invite people to come to New Jersey because we have, square mile per square mile, probably more than any other state has to offer. Couples with that, we have the financial resources tin this state, that this kind of activity tends to be attracted to. That is

why we have evidence of it in this state; that is why we are a lot more vigilant than most other states in attempting to root it out. When we do root it out, that is why you hear about it and that is why we get the black eye.

The other states with a large number of authorized wire taps are New York and Florida. I don't have to go into along dissertation why New York and Florida are coupled with New Jersey in this particular area. New Jersey leads them because of the factors which I mentioned. Perhaps Mr. Steir can elucidate on my answer.

Senator Vreeland: If I might, Mr. Chairman – you mentioned that the crime goes where the money is. That is why I asked you about Atlantic City, because that is, I understand, where the money is.

Edwin Steir: Senator, specifically, none of these gambling investigations are related to casino gambling in Atlantic City.

Senator Vreeland: Right. That was my question.

Mr. Steir: However, I think it is fair to say that there were a certain number of illegal gambling investigations, using electronic surveillance, and a certain number of narcotics investigations, using electronic surveillance. That occurred in the Atlantic city region, as a result of the fact the people were attracted to that area because of casino gambling. I think that is something that we anticipated, it is something that we are guarding against, and we are trying to be vigilant to protect the public from The casino gambling in Atlantic City and the economic benefits that had been derived from it, carry with them a certain risk that they are going to attract criminal elements. We are very careful trying to protect it from that kind of intrusion.

Senator Vreeland: This is my last question, Ed. The fact that we are number one with wire taps – I am asking you or the Attorney General – would you attribute that to the fact that we

have gambling in New Jersey? New York doesn't have gambling.

Mr. Steir: No. My answer is based on the statistics for prior years. If you go all the way back to 1969, you will see that our percentage of electronic surveillance, nationally, has been pretty consistent. In fact, it dropped this year from 31% in1980 to 23% in 1981.

Attorney General Kimmelman: Senator, what I wanted to say was, on your specific point, next week will mark the fourth anniversary of casino gaming in the state of New Jersey - that is May 26th, or something like that. What we have here is – Mr. Steir has these figures in front of him – for the year 1977, which was the last full year prior to casino gaming, New Jersey had 150 court authorized wire taps, which is less than last year. At that point, we were 23.9% of the total in the country. This year we are 23.4%. Things haven't changed.

Senator Vreeland: I think that is very good. That answers my question. Thank you.

Senator Russo: Thank you, Senator Vreeland Senator O'Connor?

Senator O'Connor: Tank you, Mr. Chairman. General Kimmelman, you say that in your opinion, the wire tap investigations have worn through. You also say that they are primarily directed to gambling and narcotic activities. In my experience as an attorney, which also involved law enforcement experience as an [page 6] assistant prosecutor, I found that wire tap investigations are arrests usually result in the arrest of multiple defendants who get out on a plea, because of the people at the very top plea out. For the most part, regardless of the evidence, it seems that the majority of the people that are arrested as a result of wire tap investigations, will ride it out, wait it out, and go to trial. A very frustrating experience, from a prosecutorial standpoint –going back ten or more years ago – when you would go

through this process, and it would take perhaps two years to try someone, or it would take forever to actually go through the process of the trial, and even assuming a conviction, the person would only be sentenced to a minimal sentence - assuming you were dealing with lottery as opposed to gambling, or, rather bookmaking or sports gaming, which would require a mandatory state sentence at that time. The question is: If that is going to continue to be the focus -- that is to say, gambling investigations and narcotic investigations - is it worth it? Is the end result worth the drain on the court system and worth the amount of money that we are spending to come to that point?

Attorney General Kimmelamn: A simple answer from my pont of view is obviously yes, because with respect to reasons, we cannot relax our efforts. You just can't do it. To that extent, it is worth it. Mr. Steir can give you some figures which prove that.

Mr. Steir: Rather than doing it statistically, let me present it in this way: In the process of selecting a case in which the use of electronic surveillance is very complex, that goes on within the State Police and my office, our objective is not simply to arrest illegal gamblers, because we could do that from now until the cows come home and probably never make any dent in organized crime. Our objective is to try to select those situations in which you have an organized-crime-controlled gambling operation and attempt to disrupt the flow of cash to organized crime, by attempting to penetrate to the level at which organized crime figures are controlling the gambling operation. Not every one of them is successful There are some cases in which you end up with violators who are at a fairly low level in the operation. But, in many cases, many very significant cases that have been prosecuted in this state over the years, we have been able to penetrate very significant racketeers who have gone untouched up to that point, simply

because there has been no other route of attack. There has been no other way in which law enforcement has been able to gather enough evidence to build a case. **Gambling happens to be one avenue through which organized crime is very vulnerable to electronic surveillance investigation.**

So, if it is carefully selected, if it is carefully operated, and with a little bit of luck – as we always need in investigations – we can be very successful. So, when we see a defendant of that caliber coming along, we ask: Is it worth the expense? The only answer I can give to that is, in one of our cases that was prosecuted in Monmouth County about a year ago, which took a couple of years of investigation and about 20 of Colonel Pagano's best detectives for a long period of time, a reporter added up the total cost of that case to the state: it came to several million dollars. He asked the question, "Was it worth it?: When you looked at the caliber of the defendants in those cases people who had gone untouched before, people who had been involved in large-scale corruption over the years, people who had been responsible for murders in this state, people who had been responsible for extortion, narcotics traffic, and a number of the major violations, the answer is yes. How much is it worth to this state to tolerate that kind of activity? The answer I come back with is, this state had gotten its money's worth over the years, and I hope we can continue to do so.

PUBLIC HEARING BEFORE Senate Law and Public Safety Committee

- "To receive testimony on, and investigate the Electronic Monitoring/Home Confinement Program administered by the Department of Corrections, and the Intensive Supervision Program administer by the Administrative Office of the Courts.

Location: Freeholders' Meeting Room, Passaic County Admin. Building. Paterson, New Jersey
Date: April 21, 1992. 12:30 p.m.
MEMBER OF COMMITTEE PRESENT:
Senator Louis F. Kosco, Chairman
Senator John J. Matheussen, Vice-Chairman
Senator Bradford S. Smith
Senator John A. Girgenti

ALSO PRESENT:
Assemblyman Frank Catania, District 35

Page 29 et seq.
Senator Kosco: –I mean, Sheriff Jack Terhune, of Bergen County, to come forward. Welcome, Jack. Sheriff Jack Terhune, I think out of all the people we have had from the Bergen County jails– if my memory serves me correctly, you have only had two problems. I think it was?
SHERIFF JACK TERHUNE; That is correct, Mr. Chairman. I would like to introduce–
Senator Kosco: My question to you would be, why has your program been successful, and what have you done to make it that way?
Sheriff Terhune: Well, I would like to take credit for that, quite frankly, Mr. Chairman, but before I do I would like to introduce to the members of the Committee, Sergeant Debra Lennon, to my right, who is the Deputy Work Release Administrator and Coordinator of our Home Confinement Program in Bergen County.

A couple of things by way of introduction. I might,
Senator: Please, members of the Committee, be reminded that the inmates who are eligible for Home Confinement at the county level, are only those sentenced to a term of imprisonment of less than one year. Typically, those inmates

are sentenced for disorderly persons offenses, motor vehicle offenses, violations of domestic violence law, and the like.[p. 30]

The program in Bergen County has been in place since September of 1990, and to date we have placed 171 inmates into home confinement status. Of those 171, only two have violated the rules and regulations One was an inmate sentenced to confinement for failure to pay child support, who had an outstanding criminal matter and was removed because of it, unrelated to the child support matter. The second individual was incarcerated for a motor vehicle offense, and was arrested for a subsequent motor vehicle offense while in home custody.

The equipment we use in Bergen County is identical to that which was described previously by Commissioner Fauver. It is supplied by the same manufacturer. We do not buy it; we lease it on a daily basis from the company. We have other safeguards in place which I think might be of interest to the Committee.

For every inmate who is placed into **Home Confinement from the Bergen County Sheriff's Department**, certified letters are sent to the municipal police chief of the community in which the inmate is going to reside. A second certified letter is sent to the sheriff of the county in which the inmate is going to reside. A certified letter is sent to any employer where the inmate may be employed. If the employment is in a community in addition to, or different from the community in which the inmate is going to reside, a fourth certified letter is sent to that municipal police chief, notifying him or her that the inmate will be employed within their community. We also delineate the name of the place of employment, and the hours of work that they are permitted to be at that place of employment.

With regard to the bracelets, we have not had one instance of any tampering with the equipment. Our system is set up similarly, but somewhat different from that described by the commissioner. As I said, we used the same on-site equipment, in terms of the bracelet, the home received, and the [p. 31] monitor. We also, in addition to getting a hard copy of any activity which occurs for any particular inmate, have a beeper system. Any time there is any violation – For the Committee's benefit, there are 52 program violations in the system which would activate a notification of the monitoring officer. When such a notification is received a remote beeper is activated. Our officers carry these beepers 24 hours a day, seven days a week, and are aware of any violation, whether it be the AC power on or a malfunction of the equipment.

The officers then follow up with a phone call to determine if in fact, it is a violation, or whether there is a technical difficulty with the equipment, which, quite frankly, gentlemen, sometimes happens. If an inmate walks into a coffee table or leaves it emerged (sic) in a bathtub too long, sometimes you will get a technical violation of the equipment.

We respond immediately to any such notifications. We do not wait a period of time to investigate any alleged violations of the Home Confinement rules. Furthermore, in an effort to ensure that there is no tampering with the device itself, we visually inspect the bracelets twice a week, on every inmate that is assigned to our Home Confinement Program. What we normally do is order the inmates to report to the institution twice a week, rather than do on-site visits. In addition to the two mandatory inspections, we will make random on-site inspections for not only the purpose of inspecting the device, but also for the purposes of obtaining urine samples and ensuring compliance with NA meetings, AA meetings, and the like.

I, for one, am very supportive of home confinement, at least at the county level. I know this Committee is well aware of the fact that our correctional institutions statewide are severely overcrowded. The Bergen County jail - and it is not the worst - is presently at 233 percent of its capacity. Home Confinement, as well as other proposed programs - alternatives [p. 32] to incarceration - are certainly more cost-effective than the construction of additional jail cells, at roughly $75,000 to $100,000 per cell. We are now in the process of attempting to expand the program so we may work in conjunction with the Bergen County Probation Department, in an effort to perhaps maybe place some probation violators on the Home Confinement Program.

Senator Kosco: Thank you. At this point, I would just like to invite Deputy Speaker Frank Catania to join us up here.

Assemblyman Catania; Thank you, Senator.

Senator Kosco: Deputy Speaker of the lower House. (laughter) Welcome. Does anyone have any questions of the Sheriff?

Senator Matheussen: Sheriff, you mentioned something before in your opening remarks about the people who are eligible under the County program. You mentioned something about domestic violence - people convicted of domestic violence. Are they eligible under the program?

Sheriff Terhune: Not domestic violence, but failure to make child support payments under the title 4-D program, where persons are incarcerated for arrearages in child support. Sometimes those individuals are placed in the Home Confinement Program, which gives them an opportunity to continue to work to provide income to the children, who are truly the victims of the entire program.

Senator Matheussen: Is the reverse true, then, the domestic violence candidates -

Sheriff Terhune: No. Domestic violence, just by virtue of its title, Senator, is a violent crime, and therefore they would be immediately ineligible for our program, as well.

Senator Kosco: Anyone else have any questions? Senator Girgenti?[p. 33]

Senator Girgenti: Just one question, Sheriff: Obviously you do not deal with some of the clientele we have talked about and some of the cases I mentioned. Do you feel that that type of individual that I brought out belongs in that type of a program?

Sheriff Terhune; Well, obviously, Senator, each individual would have to be reviewed on a case-by-case basis. I think all too often in the criminal justice field, we tend to stereotype. That is one of the pitfalls we fall into on either side of the argument. For example, burglary offenders perhaps maybe should be eligible for home confinement, were as–

Senator Girgenti: How about armed robbery?

Sheriff Terhune; – armed robbery should not. Burglary, from my background, is probably one of the most heinous crimes that one can commit. Coming from the old school of common law, if you will–**"A man's home is his castle" – the invasion of one's home, I think, is perhaps, as I said, one of the more heinous offenses that one could commit.**

Senator Girgenti: Than you.

Senator Kosco; Does anyone have any more questions? (No response) Assemblyman, do you have any questions you would like to ask?

Assemblyman Catania: No, thank you, Mr. Chairman.

Senator Kosco: Okay. Than you very much.

Sheriff Terhune: Senator, thank you for your kind invitation. Thank you for the promotion, as well (laughter)

Senator Smith: I'm not sure it was a promotion.

Senator Kosco: Frank, would you like to speak before I introduce the next witness, or would you just like to join in?

Assemblyman Catania: May I, Mr. Chairman?

Senator Kosco: Sure.

Assemblyman Catania: From here?

Senator Kosco: If that mike is working. [p. 34]

Hearing Reporter; I'm sorry, I can't pick you up unless you are on our system

Assemblyman Catania: I thought I would come down here to speak. referring to witness table) It will make it a lot easier.

Mr. Chairman, first, I would like to thank you and your Committee for taking the time out to have this very, very important hearing in the City of Paterson, part of the 35th District, and to discuss the recent problem associated with electronic monitoring devices.

Although there has only been one reported case of an individual misusing the device while under house arrest, we must determine if there is an on going problem with these electronic devices around the country, and what must be done to eliminate any individual problems, or additional problems, should they arise.

The New Jersey Department of Corrections spends a large amount of money on this program each year, and inmates involved in this program should not be able to remove these devices and leave their premises so easily.

I would like to compliment The Star-Ledger, and Passaic County reporter Evette Mendez, who has done extensive research regarding this story, which brings to light a very serious matter that must be rectified before other crimes are committed.

This program provides individuals who are to be paroled – who are within six months of their release – to be placed in home confinement with these electronic devices. This program alleviates the overcrowding in prisons, but I am concerned that situations such as the murder that happened here in Paterson may duplicate itself some other time down

the road. I know the committee members are in agreement that these problems should be solved and corrected, if the Home Confinement Program is going to continue in New Jersey. [p. 35]

As a member of the Assembly Judiciary Committee, I am hoping that the testimony today will provide us with those answers, and will restore our faith in allowing potential parolees and their apparatus to be confined to their homes, without further worry about heinous acts of crime.

Again, thank you, Mr. Chairman, and I thank the Committee, for allowing me to speak and for bringing this hearing to Paterson.

Senator Kosco: Next we are going to hear from the Attorney General's Office, Assistant Attorney General John Holl. Thank you for being here, and thank the Attorney General for sending a representative to us.

Asst. Attorney Gen. John G. Holl: Thank you, Senator. The reason I came here today is because the Attorney General has asked me to oversee the review that the Attorney General's Office is undertaking of this whole program. The Passaic County Prosecutor's Office has asked us to look at the policies and procedures that are being employed by the Department of Corrections in connection with the Home Confinement Program, and how it worked in this particular case.

This investigation we are doing is still ongoing. It has not yet been completed. Therefore, I can't really talk about the specific details of the Palmer case. However, I can, on behalf of the Attorney General, speak in general about the program. After I am finished with that, I would be happy to answer any questions you may have, which I am able to answer.

The one thing that I think is very clear is that the Home Confinement Program, and similar types of programs that are operated on the county level – operated in, I think, four or five counties throughout the state –have become necessary because

of the tremendous growth in our prison population from 1979, at the time that Title 2C became the law – and there have been some changes in the law since that time – until now. We have seen a growth that has been essentially unmatched in the history of this State.

State of New Jersey Report on Senate No. 897. **Electronic Surveillance by the Senate Committee on Law, Public Safety and Defense.** Joseph C. Woodcock, J. Chairman. October 29, 1968

Page 1. "For several decades there has been mounting concern and controversy in New Jersey and throughout the Nation about the increasing effectiveness of electronic devices to invade personal privacy. "Simultaneously there has been mounting concern and controversy about the cancerous growth of organized crime and of official corruption in government, both of which exact an enormous toll from our democratic form of government. And all too often the open and free nature of our society was abused for criminal purposes.

"These legitimate concerns between privacy and public justice had not been reconciled.

"Citizens justly wanted their personal privacy held inviolate. Anything less was considered intolerable in a society built upon the protections of individual freedom. Sensible men were not about to destroy civil liberties.

"Law enforcement officials repeatedly warned they were unable to obtain adequate and essential evidence of crime without the right to engage in some form of lawfully authorized electronic surveillance. If criminals used telephones to plan or commit crimes, then law enforcement officials needed the right to intercept those conversations.

Page 4. [Findings] "2. New Jersey has serious problems of organized crime and official corruption by all accounts presented to **the Forsythe Committee** during its March and April, 1968 hearings and our hearings on three days, September 16, 17 and 18, 1968, by our Committee. These conditions, described in sworn testimony by many witnesses, are intolerable and the Legislature should take all possible, responsible measures to end them. No witness testified to the contrary.

Page 6. "Moreover, I particularly regret the inclusion of the State Commission of Investigation among those authorized to apply for an **electronic surveillance order.** This is not permitted by **Title III of the Omnibus Crime Control and Safe Streets Act of 1968 - (see especially 18 U.S.C.A. Section 2516(2) as reprinted on page 38 in Appendix 4)**....In summation, I approve the proposed bill to the extent it reflects the extensive modification to S, 897 as recommended by the Attorney General in his testimony before the Committee.

The Record
May 13, 1981
Coalition sweeps council race despite positions on ballot
By Carolyn Skorneck, Staff Writer
Hackensack - All five candidates by the Coalition of Concerned Citizens were elected to four-year terms on the city council yesterday, even though voters had to scrutinize the ballot to find them

Because of the state's Open Primary law, enacted this year to ensure each candidate an equal chance at a top ballot position, each candidate was listed on a separate line. The coalition candidates scattered across the ballot in positions 1, 6,7, 8, and 10, nonetheless prevailed over six independent candidates.

Theirs was a highly organized campaign, built around the expertise of veteran politicians who had battled each other in previous elections. The coalition reportedly spent $20,000 in its winning effort.

Old-time politicos, gathered in large numbers at the coalition's Main Street headquarters, boasted that they could call the race by 8:05 p.m., five minutes after the polls closed. It didn't work out that way. For an hour after the polls closed, the outcome was not certain, the atmosphere tense.

City Attorney Stephen J. Moses, a driving force behind the coalition, hugged around the room, sporting a nervous smile. Mayor Frank C. Zisa sat before the blackboard where district totals were being tallied. He tapped the table nervously and occasionally pulled on a cigarette.

Cheers at 9:05

It wasn't until 9:05 p.m. that the cheering started for Zisa, the top vote-getter with 2,674 votes and school board president Fred Cerbo, who had never run for an elective office, second with 2,650 votes. Three council members supported by the slate were also elected. They are Donald E. Fleming, who received 2,495 votes; Carmella Pavlich, who polled 2,409 votes, and James T. Trammell, who received 2,155 votes.

"For a while it was a little shaky," said Zisa, who declined to discuss plans for the next four years."Tonight is just election night," he said, relishing his fourth consecutive election to the city council.

The winners will meet later to select a mayor. The top vote getter - in this case it is [Frank] Zisa - is traditionally chosen.

Cerbo called the election "one of the greatest victories of my life." He said he expects to resign from the school board. Going from the school board to the city council is a very important job.

Because of a discrepancy in reports on the number of

ballots cast in Ward 2, District 4, official vote totals weren't available until almost 10 p.m. The district is usually the bellwether for the entire city and is reportedly used by one national TV network in predicting the outcome of national elections.

City Clerk Doris Dukes said election workers in that district reported that 1,554 ballots had been cast. The number seemed high to Mrs. Dukes, a veteran of several elections. After checking, she discovered that only 387 people had cast votes in that district.

A total of 4,735 people - approximately 28 percent of the city's 17,000 registered voters - braved yesterday's downpours to cast ballots.

Meanwhile, the campaign manger of James E. Dow J., the candidate who placed sixth, said last night that he would seek a recount. Dow trailed Trammell by about 120 votes, receiving 2,031.

"I'm proud we got as many votes as we did," said Gil Finney, Dow's campaign manager, as he strode to city hall just after the doors had been locked. "But I'm going to ask for a recount. Some of my people said they saw some funny business going on, and I want to check it out."

The other five independent candidates came to City Hall personally to see how they had fared.

Joseph A. Peccoralo Jr. got 1,886 votes. Incumbent council member Harry R. Bosshard who was dropped from the slate by the Coalition of Concerned Citizens, received 1,348 votes. Three time loser Chester Wolanski got 945 votes. **Salvatore Moretti received 900 votes,** and Anthony Muttillo polled 811 votes.

Peccoralo, the youngest candidate at 23, ran an ambitious campaign and vowed to stick around and perhaps run again.

"The next time I'd spend more money," said Peccoralo. "We ran the campaign around $1,000. I liked the part of going

door to door, but I missed Ward 3 and part of Ward 4."

Steven Moses praised the opposition...

SALVATORE MORETTI, CANAL STREET STATION, P. O. BOX 1306, NEW YORK, NEW YORK 10013

July 5, 2000

Bergen County Prosecutor's Office
10 Main Street
Bergen County Justice Center
Hackensack, New Jersey 07601

Hon. C. Eugene Godlesky
South Hackensack Municipal Court
227 Phillips Avenue
South Hackensack, New Jersey 07606

Sheriff's Office
Bergen County Justice Center
10 Main Street
Hackensack, New Jersey 07601
att: Foreclosure unit

Superior Court of New Jersey
Bergen County Justice Center
10 Main Street
Hackensack, New Jersey 07601

re: 391-395 Park Equities, L.L.C. vs. Salvatore Moretti, Hackensack Water Company, Mayor John Zisa, Louis J. Dinice, and Henry J. Amoroso, Docket No. F-7502-98; Appel. Division Docket No. A-001819-98T2; New Jersey Supreme

Court Docket No. 48,551. State of New Jersey v. Salvatore Moretti, Municipal Court, Complaint No. SC 2000 001566, and Order to Remove Fuel Oil Tank from 391 Park St., Hackensack; United Water New Jersey v. Salvatore Moretti, BER-L-4114-98. Motion - Summary Judgment. Additional Certification as to Conduct of Motion. Complaint issued by Hackensack Municipal Court -grass cutting. Request for Investigation by County Prosecutor's Office. Motion for Summary Judgment, Salvatore Moretti v. Citibank, N. A., Citibank, Branch No. 11, Mary Wing, John Doe, et al., Index No. 2727-96. Motion for Summary Judgment dealing with the robbery of Salvatore Moretti at Citibank Branch No. 11, located at Canal Street and Broadway, New York City, N. Y., on August 8, 1994.

Hon. Judge of the Superior Court, Judge Irving Aronin, Bergen County Prosecutor, Sheriff's Office et als.:

at p. 4

I enclose the transcript of the trial before Judge Evers in the New Jersey Tax Court on pp. 4706-5002 since the transcript is replete with statements by the trial court that issues of vandalism, burning of buildings, nuisances, and expenses in operation are not to be considered in the assessment of taxes. Mr. John J. Johnson testified as the Hackensack assessor, yet he was in a conflict position since he owned and the gas station on the opposite corner of Park Street (this station is in operation currently). Steven Muhlstock represented the City of Hackensack. Quotes follow:

p. 4699 Line 10. Moretti: "I'm just trying to get my prior question answered. Mr. Johnson has told us that he uses comparables. And then when I asked him the question about do you consider in comparing one sale with park Court

Apartments whether that property was next to a funeral parlor, a psychiatric halfway house and a garbage compactor factory and a gas station (which Johnson owns at the corner of Park and Passaic Streets), I got no answer." The Court: "Do you have the question, Mr. Johnson? The Witness: "It's not clear to me, your Honor."

p. 4717 Line 24. Moretti: "Did you consider the impact of a garbage compactor factory on your determination of the comparable?" Johnson. "No, I did not."

p. 4718 L 2. Moretti: "Did you consider the impact of a psychiatric halfway house?" Johnson: "No, I did not."

p. 4718 L4. Moretti: "Did you consider the impact of a funeral parlor such as Gutterman Musicant as the corner of Park and Passaic? Johnson: "No, I did not."

p. 4718 L19 Moretti: "Do you recall a tax appeal by an individual named Hyman Chait who owned [in addition to 111 Passaic St. which burned down on March 10, 1978] another property on Park Street which also had a fire? The Court: "What does this have to do with the amount of money that a willing buyer would pay a willing seller on the assessment date with respect to the subject property?...You're not going to find that out in this Tax court proceeding. You can go somewhere else."

p. 4747 L 4. Kroitsch: "There's no question that the expansion of the funeral parlor (Gutterman-Musicant) has definitely...has a psychological impact on residents..."

p. 4748 L 23. The Court: "Has a copy of the Mason Report been furnished to Mr. Moretti,Mr. Muhlstock. Mr. Muhlstock: "It has been."

p. 4753 L 9. Emil Kroitzsch: "Anytime anyone is buying in the first place Quail Heights (used as a comparable by Mason report) is a four story high rise (on the corner of Prospect Avenue and Central Avenue) and it would not be compared... 253 units versus twenty in the subject property..."

p. 4804 L 5: The Court: "You want to know something, Mr. Moretti? As long as I've never a judge I never permitted anybody to lead a witness the way you did."

p. 4805 L 5: Kroitzsch: "There have been untold amounts of vandalism in that particular neighborhood. I know rthis for a fact, not only to his building, to an office building on union Street tht gets robbed religiously..."

p. 4870 L 18 Mr. Muhlstock: "He's only been involved in certain litigations which concern his property and which went to zoning. They were prerogative writs. The ultimate issue in those cases wasn't value and that's what he's trying to pass himself off here as, an expert as to value and there is absolutely in my opinion, Judge, and based on what's been placed in the record, this man is not even close to being an expert in the field of real estate appraisal."

p. 4875 L 9 The Court" "I know an awful ot of people who've owned property all their lives and they couldn't hammer a nail into a piece of wood."

p. 4885 L24. The Court: "Mr. Moretti, we're going to continue with this case tomorrow morning commencing at 9:00 at which time I will permit you to testify as a fact witness only, not as an expert witness. You are not qualified to testify in the Tax Court proceeding in this particular matter and to give opinion testimony concerning the value of property. I think to permit that would simply make a mockery of the Rules of Evidence pertaining to expert testimony."

p. 4902 L14: Moretti: "A series of parking tickets was issued subsequent to being advised by the owner of the property of the funeral parlor that he would see to it that (my) tenants would not be allowed to park on the street There was a barrage of parking tickets at four o'clock in the morning..."

p. 4906 L 14. The Court: "Why couldn't they (the tenants in 395 Park St., which building faced 111 Passaic street where a barking dog was placed for eight months) sleep in their

bedrooms? Moretti: "Their bedrooms face 111 Passaic Street..."

p. 4912 L 4 The Court" "Mr. Moretti, you're not testifying, you're lecturing, you're making observations with respect to behavior of certain people. You're obviously dissatisfied with the conduct in the efforts or lack of efforts, if you will, of some of the officials in the City of Hackensack, but, you know, this is a type of a lecture that you're attempting to give me here... You told me that you had a house next door and they partied until four o'clock in the morning and they had a dog tied to a tree in the back yard that barked and as a result thereof the tenants in the north building had to move out of their bedrooms into the living room to sleep."

p. 4915 L 6: Moretti: "A number of exhibit (I delivered to the court)..." The Court: "A hundred eighteen is what I counted."

p. 4925 L 12 Moretti: "The procedure (of making garbage compactors at Multi-Pak) resulted in a multi-faceted operation of steel production in which vibration emanated from the plant, smoke, glare emanated from the plant, noise emanated from the plant, all of which were not allowable under the schedule of district regulations for an M-1 use district..."

p. 4928 L 14. The Court: "But why are you telling me?...I say to myself: Well, what is he trying to tell me? Okay, you worked, they (the tenants living at Park Court Apartments) saw you work and this had an effect on them...In other words, perhaps out of loyalty to you and friendship and admiration they said, look, maybe we can move somewhere else, but, you know, this guy, he's doing a job, let's stick with him." Mr. Moretti: "That might well be the case."

p. 4934 L 18. Moretti: "These conditions allegedly were never brought to the attention of the courts because of the negligence of the attorney (Hollis) - The Court: "I don't care, I don't care."

p. 4935. L 1 Moretti: "And the point here is that the zoning

process was such that I was not accorded my due process rights." The Court: "Totally irrelevant; not in this proceeding."

p. 4938 L 1 The Court: "You are a pro se and, obviously, you feel that every word that you have to say is of the utmost importance. Give me a little credit, too. I've been in this business a few years and I think I'm able to determine what's important and what isn't in an objective way, so please follow me and tell me what conditions existed. I'm not interested in political pressures, I'm not interested in all of these things that you keep getting involved in."

p. 4940 L 15. The Court" "Now, for the last time, Mr. Moretti, I want you to follow those instructions. You're not going to deviate and if you do, Mr. Moretti, I'm just going to not listen to anymore of this type of testimony; do you understand that, Mr. Moretti?"

p. 4943 L 15. Moretti: "The other uses described coincident with the difficulties I had managing getting to the post office in which I had my car rammed or – The Court: "Forget it, let's go. How many time were you rammed." Mr. Moretti: "About ten times." The Court: "Okay, good enough."

p. 4945 L 1 The Court: "You don't hear me. You either don't hear me or you just have made up your mind to totally disregard this Court's instructions."

p. 4947 L7. Moretti" Well, as I was stating, collecting the rents at time was hazardous because when I would go outside of the building to collect the rents I occasionally would be surrounded by police cars and the policemen would tell me to get out of the (area)" The Court: "Stop it!..."I don't care what the police said. Do you understand me...Not another word about police telling you this or somebody didn't like you and they wanted you to get out of town. Stop wasting taxpayers' money who are paying for this operation of this court. Now, get to the facts."

p. 4948. L 5 The Court: "Not another word about police telling

you this or somebody didn't like you and they wanted you to get out of town. Stop wasting taxpayers' money who are paying for this operation of this court. Now, get to the facts."
p. 4951 L 12. The Court: "All right, so in other words the expenses, of course, were inordinately high for one reason because you were required to be available virtually at all times; so how does that then result in additional expenses?"
p. 4955 L 67. Moretti: "At one point, as I mentioned, the building had approximately 15 vacant apartment out of 20 total and some of the vacancies lasted for approximately two years. Tenants coming in would stay there for sometimes three months at a time and then leave."
p. 4959 L 10 The Court: "Okay. Your next item was you said your maintenance expenses, that's the last one that I wrote down; have you covered that? Painting, plumbing, electrical; does that all fall into the category of repairs and maintenance? Is that what you had in mind?" Mr Moretti: "Well , some of the extraordinary expenses I recall were we (I personally) put in a number of kitchen floor tiles and ceramic tile work in all of the apartments, 20 of them. I believe I sanded all 20 kitchen, living room and bedroom floors which would be 60 rooms, varnished all the floors, put in new lighting on the porches, hallways, put in a new locking system, dead bold locking system, did extensive plumbing work; and again many of these expenses are not reflected on the Tax Board column of expenses because the income generated (from rents collected) was not sufficient (to pay for the work)."
p. 4985 L15 The Court: "You've taken complaints all over to every court in the world, as I see it, concerning this property; you were in Municipal Court, you were in Chancery, I think you were in District Court. I can tell you this, that if somebody stepped on your toes and violated your constitutional rights you can't raise that issue in the Tax Court, number one, and certainly not at this point in this

proceeding."

p. 4998 L8 The Court: "I wouldn't allow you to give nay opinion testimony because I found you weren't qualified as an expert in matter such as this; is this what you're getting into now?" Mr. Moretti: "Well, I think this is the factual testimony which was offered." The Court: "If you disagree with my ruling, and I believe you do disagree with the ruling, take it somewhere else but I want you to respond to (Mr. Muhlstock's motion to dismiss) of the basis of what's in this record, the testimony, the evidence."

p. 5000 L 20 The Court: "You know, you're telling me that the city doesn't know what it's doing. I'm asking you on the basis of the testimony, the evidence that was admitted on your behalf to tell me why his motion should not be granted. All you've done so far is you've kind of made a speech, you're looking at a treatise, you're telling me Johnson doesn't know what he's doing as an assessor, that the city is all wrong, that the city's wearing two hats; the motion is made to dismiss your case."

From the foregoing we see the beginnings of the process known as "working a forfeiture" on the subject property at 391-5 Park Street, Hackensack. The facts about tenants having their arms broken by being attacked on the streets, about tenants chased repeatedly into their apartments after being followed home from work, and then moving out, of tenants being prevented from enjoying their apartments so as to sleep at night, were not taken into account. These matters became progressively worse, when the tenants who replaced the prior tenants saw what was involved in their tenancy and began trashing their apartments. Finally they were moved out by the city under orders of the fire department.

Considers the amount of money paid to Edward Evans Esq. and the other attorneys hired by myself, and the result of trying to explain to Judge Evers in the Tax Court of New

Jersey such matters.

It is clear why there are four thousand sheriff's sales in New Jersey since 1987. This innocent owners defense sets the record straight as to the notice delivered by myself and the resultant officials' failure to act. That failure to act has allowed law offices who contribute to political campaigns to set policy and acquire the wealth earned by hard working owners such as myself. The long suffering tenants, for whom rent controls were passed, and the hard working owners such as myself who took interest in their communities, have been deprived of the fruits of their labors. They were swindled by individuals who attended law schools but who did not acquire the ethical standards requisite to practice in this area of law.

Mr. James LaCava, Hackensack City Manager, a Certified pubic Accountant, conducted a sweep of Park Street properties which resulted in my building being shut down. Mr. LaCava is in charge of the police department. However, he is outranked in control of the police department by the Ken Zisa, the Hackensack Police Chief, who ran for a political post, District 37 Assemblyman, and was elected. LaCava reports directly to the Mayor and Council in his overseeing the operation of the police department. In so doing he reports to Hackensack Mayor John Zisa, Ken's brother. **When Ken is not in Hackensack, the deputy chief, Frank Zisa, Jr., is in charge of the Police Department. Jack, Ken and Frank Jr. are the sons of Frank Zisa Sr. Ken Zisa has prevented the filing of my complaints with the Hackensack police department and the fire department to be considered by the local magistrate, and has told me so personally.**

I am requesting the Sheriff's department and the Prosecutor's office to investigate and report back to me in this case.

Very truly, (s) Salvatore Moretti

New Jersey Election Law and Enforcement Commission
CN-185
Trenton, N.J. 08625-0185

1997 Hackensack Election. Election Date: May 13, 1997
Committee Name:Continue Progressive Leadership in Hackensack for Zisa, Stein, Mattei, Trammell, and Galvis March, 1997 Report
c/o Donald Lenner, Esq., 286 Union Street, Hackensack, N. J. 07601
Contributors

Jay Alpert, UnderSheriff----------$250.00
Atlas Foreign Car Service----------$250.00
Barnstable Home, Inc, Ramsey, N.J----------$500.00
Jeffrey Bloom, Esq...(Hackensack)----------$500.00
Charvic Arms Inc.----------$1,000.00
Colorscrits, Plus Inc.----------$1,000.00
Harry Comp Jr. (Parisian Beauty Academy----$500.00
Diana Asphalt----------$250.00
DiCarlo, Malasits & Rosenberg, Architects--$500.00
Mark DiMaria, Esq. (Paramus)----------$250.00
Ralph A. Ferro, Jr. Esq. (Ridgewood)-------$250.00
Steve Fortunato, Esq.----------$250.00
Robert Galantucci. Esq. (Hackensack)-------$250.00
Vincent Galasso, Esq. (Hackensack)---------$500.00
Garofalo Recycling----------$500.00
Donald Helmstetter, Real Estate Appraiser,
Mason-Helmstetter----------$500.00
Victor Herlinshy, Esq.----------$250.00
Hockey Management International----------$1,000.00
Impact Realty----------$250.00
Inserra Supermarket----------$250.00
Jewell Precision----------$250.00
Fletcher Creamer----------$500.00
Donald Lenner, Esq. (Hackensack)----------$500.00
Steven Lonegan (Bogota)----------$250.00
Charles Lynch, (Hackensack)----------$500.00
Bernard Malin, Esq. ----------$250.00
McNerney & Associates (Glen Rock)----------$750.00
Arthur Mento, Police Officer, Hackensack---$250.00
Agostino Migliarrio----------$250.00

Stephen Pellino, Esq.----------$250.00
Kevin Porro, Esq.-(Rutherford)----------$250.00
Professional Cleaner----------$250.00
Richard Salkin, Esq-(Hackensack)----------$250.00
Salvador Scafani. Esq.----------$250.00
Schepisi & McLaughlin, P.A.----------$250.00
Sociedad Amigos Di Barrosquilla, Box 394
Park East Paterson, N.J.----------$250.00
Vincent Trovini. Esq. Breslin&Trovini(Hack)$500.00
Peter Tucci, Developer-(Hackensack)-------$250.00
Grarret Westerhoff, Kennelon, N.J.---------$500.00
Wiss & Cooke P.C., Hackensack----------$250.00
Joseph Zisa.Esq.----------$500.00

1997 Hackensack Election. Election Date: May 13, 1997
Committee Name:
Continue Progressive Leadership in Hackensack for Zisa, Stein, Mattei, Trammell, and Galvis
c/o Donald Lenner, Esq., 286 Union Street, Hackensack, N.J.
April 14, 1997 Report

This Report - Receipts-----$63,040.08
Expended---------- 5,991.58

Contributors
Anania Agency, Hasbrouck Heights----------$500.00
Joseph Basralian, Esq. Fort Lee----------$500.00
David Bekoff, M.D., P.A.(Hackensack)-------$500.00
Boswell Engineering, Inc. South Hack.-----1,000.00
Bull Corp, Carlstadt----------$625.00
Eugene Cavallo, Esq. (Bergenfield)---------$500.00
Seymour Chase, Esq.-(Hackensack)----------$500.00
Donato Clemente, Bakery Owner South Hack.--$500.00
Compac, Cherry Hill----------$500.00
Corki's Corner, Hackensack (Restaurant)----$500.00
Fred Daires, North Bergen----------$500.00
William Dee, Engineer, Mahwah----------$500.00
Diana Asphalt, Hackensack----------$500.00
Enterprise Rent-A-Car St. Louis Mo.--------$500.00
Samuel Favus, Bergenfield, Developer-------$500.00
Todd Gambino, Old Tappan, HRH/Atlas

Construction Corp.----------$500.00
Gibraltar Title Agency, Hackensack---------$500.00
William A. Hunt, Esq. 155 Polifly Road
Hackensack----------$500.00
Interchem Corp., Paramus----------$500.00
Mel Gittleman, Esq. Fort Lee----------$500.00
Kenneth Job, Hackensack----------$1,000.00
Sue Kenney, Washington Township----------$500.00
Lancan Engineering, Elmwood Park---------$1,000.00
Donald J. Lenner, Esq. 286 Union St., Hackensack, N.J.----------$750.00
Leaserent Corp., Hackensack----------$500.00
Laura Lurig, Edgewater, Banker----------$500.00
The Meadowlands Gallery, Inc., Box 6531,
Carlstadt----------$625.00
George Menditto, Insurance, Mahwah-------$1,000.00
Robert Mucci, Manager Subo Corp. Hack.-----$500.00
Nowell, Amoroso, P.A., Hackensack--------$1,250.00
Dennis Oury, Esq., Hackensack----------$500.00
Anthony Palmieri, Developer, N.J.--------$1,000.00
Richard Salkin, Esq. (Hackensack)----------$500.00
George Santucci, Architect, Hackensack-----$500.00
Santo Sorce, Builder----------$1,000.00
Joseph Stirrup, Bardonia, Accountant-------$500.00
Subo Corp, Hackensack----------$500.00
Louis Turro, Real Estate Developer-------$1,000.00
Garret Westerhoff, Engineer,----------$1,000.00
Wiss & Cooke, P.C., 3 University Plaza,
Hackensack----------$500.00
Charles Zoccoli, Contractor, Ramsey--------$500.00
17 S. Corporation, West Orange----------$500.00
Henry Amoroso, Esq.,155 Polifly Rd.,Hack.$1,500.00

1997 Hackensack Election. Election Date: May 13, 1997
Committee Name:
Continue Progressive Leadership in Hackensack for Zisa, Stein, Mattei, Trammell, and Galvis

May 2, 1997 Report
Depositary Information Acct.- 03524-477-8
Bank of New York

93 Main Street, Hackensack
Kristi Izzo, 142 Spring Valley Road, Hackensack
Treasurer, Tel. 201-489-8255
Opening Balance ----------$56,541.74
Disbursed----------$3,744.20
Closing balance----------$52,797.54

New Jersey Election Law Enforcement Commission
CN-185
Trenton, New Jersey 0-8625-0185
1977 Hackensack Election
Election Date - May 13, 1997

Committee Name: Continue Progressive Leadership in Hackensack for Zisa, Stein, Mattei, Trammell, and Galvis
c/o Richard Salkin, Esq.50 Main Street
Hackensack, N.J. 07601

Municipal Election for the City Council
Report Filed June 2, 1997 10:15 A.M.

Total Receipts----------$65,740.08
Total Expenditures-------$16,902.43

Contributors
Mel Gittleman, Esq., 2200 Fletcher Ave.,
Fort Lee, Aggregate------$1,000.00
This Period----------$500.00

Joseph L. Mecca, Jr. Esq. South 87
Fairview Ave. Paramus, N.J.
Aggregate--------$500.00
This Period----------$500.00

Edward McGinnis, New York City, Architect--$400.00

Henry J. Shotmeyer, Hawthorne, Executive-$1,050.00

FIP Graphics, 215 Union St., Hackensack--$2,615.02

Outstanding Obligations

5/8/97 - **Friendship House**, 125 Atlantic St., Hackensack. Mailing Preparation ----------$575.00

New Jersey Election Law and Enforcement Commission, CN-185, Trenton, N.J. 08625-0185

Form R-1. Report of Contributions and Expenditures.
Contributions to Charles "Ken" Zisa, 13 Ames Street, Hackensack, N.J.
District: 37th
Election Type: Primary
Office Sought: Assembly

May 5, 1997 Report

	To Date	This Report
Contributions $300 or less	$8,006.88	$725.00
" over $300.00	$6,783.33	$500.00
6. Subtotal	14,790.21	
Total Contributions	14,790.21	
Add From Prior Campaigns	14,680.98	
Total	29,471.19	$1,225.00

Contributions

Steve Yangstades, 515 Essex Street, Hackensack, N.J.
Proprietor of New Tri-Boro Doiner, 515 Essex Street, Hackensack Contribution, 3/25/97 - $500.00

Disbursements
3/24/97. #1390. Italian-American Police Society, Box 352, Lyndhurst, N.J. Dinner - $50.00

4/11/97. #1409. Friendship House, 125 Atlantic Street, Hackensack, N. J. Advertsiing - $33.33.

Certification of Treasurer - 5/2/97. Donald J. Lenner, Esq., 459 Colonial Terrace, Hackensack. 201-343-6660.

New Jersey Election Law and Enforcement Commission, CN-185, Trenton, N.J. 08625-0185

Form R-1. Report of Contributions and Expenditures.
Contributions to Charles "Ken" Zisa
May 23, 1997 Report

Virginia Carletto, 90 Maple Ave., Hackensack, N.J.
Agg. - $450.00

Cliffside Park Democratic County Committee, c/o 14 South State St., Hackensack, N. J.Agg. - $500.00

Compac, N. J. 1701 Route 70 East Cherry Hill, N.J.
Agg. - $500.00

Garden State Leasing Rent-A-Car. 89 Ridge Road, North Arlington, N.J. Agg. - $500.00

Mel Gittleman, Esq. 2200 Fletcher Road, Fort Lee, N.J.
Agg. - $450.00

Donald Lenner, Esq. 286 Union St., Hackensack, N.J.
Agg. - $500.00

N. J. Education Association, 180 West State St., Trenton, N.J. Agg. - $500.00

Nowell Amoroso P.A., 155 Polifly Road, Hackensack, N.J.
Agg. - $1,000.00

Robert Perrin, Developer, 84 Chestnuty Ridge Road, Saddle River, N.J. Agg. - $500.00

Sills, Cummis, Zuckerman, Esqs., 1 Riverfront Plaza, Newark,N.J. Agg. - $600.00
Leon Sokol, 433 Hackensack Ave., N. J.
Agg. - $450.00

Certification by Treasurer: May 22, 1997.
Donald J. Lenner, 459 Colonial Terrace, Hackensack. 201-343-6660.

Form R-1. Report of Contributions and Expenditures.
Contributions to Charles "Ken" Zisa
June 23, 1997 Report

Contributions
1. Salvaore Sorce, Realtor, 414 Essex St., Hackensack. Cornerstone Management Corp., 414 Essex St., Hack. Agg. - $1,800.00
Santo Sorce, 414 Essex St., Hackiensack, Builder/Developer. Agg. - $500.00
Cornerstone Management Corp., 414 Essex St., Hack.
Agg. - $350.00
Louis Turro, Jr. 591 Palmer Ave., Maywood, Builder/Developer, Agg. - $350.00
Vincent Trovini, Esq., 45 Essex St., Hackensack
Agg. - $900.00

Certification by Treasurer: June 21, 1997.
Donald J. Lenner, 459 Colonial Terrace, Hackensack. 201-343-6660

New Jersey Election Law and Enforcement Commission, CN-185. Trenton, N.J. 08625-0185

Report Date: June 3, 1997

Political Party - Democrat
Election Date: June 3, 1997
Candidate: Charles "Ken" Zisa, 138 Ames St., Hackensack
Election Type: Primary
Office Sought: Assembly.

	This Report	Cum. To Date
Contrib. $300 or less	$11,685.00	$31,662.88
" over $300	$10,250.00	$21,833.33
Subtotal	$21,935.00	-
Funds from Prior Campaigns	0	$53,496.21
Total Contributions	$21,935.00	$68,122.19

Contributors

1. Donald Aronson, 77 Brayton St., Englewood, N.J. Aggregate - $500.00
Michael Beatrice, 1 International Blvd., Mahwah, N. J. Aggregate - $500.00

Cliffside Park Democratic Committee, 14 South State St., Hackensack, Aggregate - $500.00
Joseph A. Fierriero, P.C. 58-60 Main St., Hackensack
Agg. - $500.00
Eric Frizzell, 56 Route 202, mahwah, N.J.
Agg. - $400.00
Hackensack Fire Officers Ass'n., 205 State St., Hackensack, Agg. - $400.00
Hackensack Fraternal Order of Police, 205 State St., Hackensack Agg. - $350.00
William Hunt, 155 Polifly Road, Hackensack, N.J. Agg. $500

Impact Realty Association, Inc., 155 Polifly Road, Hackensack, N.J. Agg. - $1,000.00

Joseph J. Mecca, Esq. South 87 Fairview Ave., Paramus, N.J. Agg. - $1,000.00

Steven J. Muller, 15 West Main St., Bergenfield, N.J. Agg. - $500.00

Richard Salkin, Esq., 50 Main Street, Hackensack, N.J. Agg. - $700.00

Certification by Treasurer: May 22, 1997. Donald J. Lenner, 459 Colonial Terrace, Hackensack. 201-343-6660

New Jersey Election Law and Enforcement Commission, CN-185, Trenton, N.J. 08625-0185

Form R-1. Report of Contributions and Expenditures.

Report Date: November 24, 1997
Political Party - Democrat
Election Date: November 4, 1997
Candidate: Charles "Ken" Zisa, 138 Ames St., Hackensack
Election Type: General
Office Sought: Assembly.

Contributions Cumulative to Date	
$300 or less	$32,404.80
Over $300	$38,735.00
In Kind	300.00
Sub-Total	71,439.80
Funds from Prior Campaigns	$35,635.70

Contributors

Peter Sorce Construction Corp, 414 Essex Street, Hackensack, N. J. Aggregate - $1,000.00 10/20/97 - $1,000.00
Payee - Disbursements
10/27/97 Check No. 1539. Lynne Hurwitz $100.00
11/10/97 Check No. 1551 Lynne Hurwitz $1,000.00

Certification by Treasurer: November 21, 1997. Donald J. Lenner, 459 Colonial Terrace, Hackensack. 201-343-6660

New Jersey Election Law and Enforcement Commission
CN-185
Trenton, N.J. 08625-0185

Form R-1. Report of Contributions and Expenditures.October 4, 1999

New Jersey Election Law and Enforcement Commission, CN-185, Trenton, N.J. 08625-0185

Form R-1. Report of Contributions and Expenditures.
Contributions to Charles "Ken" Zisa
May 10, 1999 Report
Melvin Gittleman, Esq., 2200 Fletcher Ave., Fort Lee, N. J. Aggregate - $670.00
3/30 - 5/11 - $220.00
McAuliffe Real Estate. Employer: Re-Max Heritage Realty Group, Passaic Street Maywood.
5/10/99 - $1,800
5/16 - $1,800
5/18 - $1,800

Richard Salkin, Esq. 50 Main St.,Hackensack, N.J.
Aggregate - $1,235.00

Joseph Mecca, Esq. S. 87 Fairview Ave., Paramus, N.J.
Aggregate - $1,450.00

New Jersey Election Law and Enforcement Commission, CN-185, Trenton, N.J. 08625-0185

Form R-1. Report of Contributions and Expenditures.October 1999.
Charles "Ken" Zisa, 138 Ames Avenue, Hackensack, N.J. 07601

Table I.

Receipts	This Report	To Date
	$16,845.00	$16,845.00
Add Prior Campaigns	203,450.68	$203,450.68

Contributors

David J. Bikoff, M.D.,P.A. 321 Essex St., Hackensack, N.J.
- 9/17/99 $1,000.00

Thomas Gentile, 397 Union Street, Hackensack, N.J. Employer Name - Gentile Funeral Home, 307 Union St., Hackensack. Funeral Director - (9/20/99) $500.00

LML Supermarkets, Inc., 20 Ridge Rd., Mahwah, N.J.
- 9/1/99 & 9/20/99. $500.00

Arthur Mento, Box 249, Hackensack, N.J. Police Officer. Emloyer: City of Hackensack, 65 Central Ave., Hackensack
- 6/29/99 &9/17/99. $600.00

N.J. Education Association, Political Action Committee, 180 West State St., Trenton, N.J. - 8/31/99 $3000.00

New Tri-Boro Diner, Inc., 515 Essex St., Hackensack.

- 9/16/99 $500.00
N.J. Police Bnevolent Association, Local # 9, Box 213, Hackensack, N.J.- 9/10/99 $500.00
Anthony Palmeri, 140 Prospect Ave., Hackensack, N.J. Employer: Excelsior Sebring Assoc., 140 prospect Ave., Hackensack, N.J.
- 6/30/99 $500.00
Joseph Parisi, 577 FloydAve., Englewood Cliffs, N.J. Employer: Otterstoodt Agency, 6229 Bergenline Ave., Guttenberg, N.J.
- 9/23/99 $500.00
Richard Perrin, 33 DiCarolis Ct., Hackensack, N.J.
Employer: DiCarolis Realty 33 DiCarolis Ct., Hackensack, N.J.
- 9/1/99 $450.00
Santo V. Sorce, 414 Essex St., Hackensack. Employer:
Emplyer: Essex Soreg Realty, 414 Essex St., Hackensack - 9/12/99 $1,250.00
Francis Van Wie, 1156 Roosevelt Ave., New Milford, N.J. Employer: Bergen Cty Sheriff, Justice Center, Hackensack
- 9/24/99 $350.00
Carlo Speziak, 69 Ridgefield Ave., Ridgefield Park, N.J. Employer: Carlos Market, 69 Ridgefield Ave., Ridgefield Park, N.J.
9/12/99 $1,600.00
Carlo Speziale, Jr., 19 Kristina St., Little Ferry, N.J. [Self-Employed] Occupation: Chiropractor,
- 9/12/99 $1,700.00
Giovanni Speziale, 19 Fristina St., Little Ferry, n.J. Occupation; Homemaker. - 9/12/99 $1,600.00

Certification by Treasurer: 11/19/99. Donald J. Lenner, 459 Colonial Terrace, Hackensack. 201-487-1728.

The Record, Nov. 3, 1995. Weinberg in the 37th. The Other Endorsement Withheld Reluctantly. Editorial.

Loretta Weinberg is a hard-working, productive member of the Legislative who deserves reelection.

The Democratic assemblywoman from the 37th District has taken a leadership role on important legislation, including measures to combat domestic violence, to prevent new mothers from being discharged from the hospital too quickly, and to increase diversity on juries.

Mrs. Weinberg, 60, of Teaneck, says she would like to continue her work on family, health, and women's issues. Her presence in Trenton is welcome.

Her running mate, Assemblyman Charles "Ken" Zisa, 41, is also well-qualified. His experience in police work in Hackensack gives him a valuable perspective on criminal justice issues.

The Record would like to endorse Mr. Zisa. Regrettably, we cannot. We are not withholding our endorsement because Mr. Zisa holds two public offices, assemblyman and hackensack chief of police. Most members of the Legislature hold full-time jobs.

The problem is a Hackensack city ordinance, which states that, Members of the Department of Police are positively prohibited from active participation in politics...."

Whatever the merits of the ordinance – Mr. Zisa and the city attorney say it is outdated, unenforceable, and probably unconstitutional – it is on the books. How can a chief of police choose to obey some parts of the municipal code andnot others? How does he justify that selective obedience to other police officers and to the city's residents?

There is no way of knowing whether the ordinance is unconstitutional because it has not been tested in court. Rulings in similar cases in New Jersey have not followed a pattern. In one case a similar law was struck down, but in

another case it was upheld.

This ordinance may need to be rewritten so that it is clearer. Mr. Zisa says that is being done. But right now, the ordinance exists, and despite Mr. Zisa's obvious qualifications, we can't see how he can get around it.

Howard Williams, 65, of Hackensack, is the better choice of the two Republican challengers. An African-American, Mr. Williams is a retired probation officer and a former long-time member of the Hackensack school board. He has broad experience in education and criminal justice issues.

John McCann, 35, a businessman from Fort lee, is the other Republican challenger. He has interesting ideas about capping property tax increases, but he has no experience in public office.

The Conservative Party candidates are Richard O'Neil of Maywood and BettyJean Downing of Hackensack. Mr. O'Neil, a former Maywood councilman, is thoughtful and has some good ideas, including giving broader powers and more resources to the imperiled State Commission of Investigation.

The 37th District comprises Bergenfield, Bogota, Englewood, Fort lee, Hackensack, Leonia, Maywood, Ridgefield Park, and Teaneck.